MONARCHY

ASSERTED to be the

Beſt, moſt Antient, and Legall

FORM of GOVERNMENT.

IN A PORTICO.

CONFERENCE held at *WHITEHALL*,

WITH

OLIVER, Lord Protector,

AND A

COMMITTEE of PARLIAMENT.

Made good by the ARGUMENTS of

Oliver St John, Lord Chief Juſtice,	Lord *Broghill*,
Lord Chief Juſtice *Glyn*,	Mr. *Lenthall*, Maſter of the Rolls,
Lord Commiſſioner *Whitlock*, Chairman,	Sir *Charles Wolſeley*,
Lord Commiſſioner *Liſle*,	Sir *Richard Onſlow*,
Lord Commiſſioner *Fines*,	Colonel *Jones*,

MEMBERS of that COMMITTEE.

LONDON: Printed 1660.

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ADVERTISEMENT.

THE following important Conference was first published in 1660, *and never till now reprinted entire; so that a Copy of it was scarcely to be procured.*

A State of the Argument reduced into one Series of Debate, was indeed published in the Gentleman's Magazine *for the Months of* February *and* March 1741 (See VOL. XI. p. 93, 148.) *and met with a very favourable Reception. But, as no doubt the particular Speeches at Length will be still acceptable, the whole is reprinted, as promised, from the aforemention'd Edition, except the literal Errors, which in several Places very much obscured the Sense. Some Alterations have also been made with Regard to the Punctuation and Distinction of Paragraphs, which, tho' minute in themselves, serve to remove many Intricacies in the first Edition. There are likewise added some probable Conjectures by Way of Note, for illustrating other Obscurities which may be ascribed to the Causes mentioned in the* Gentleman's Magazine.

This Conference is also printed in Octavo, for the Conveniency of Gentlemen who desire to bind it up with other Political Tracts of that Size.

TO

TO THE

READER.

WHEN once the ſword had ſubdued the ſcepter, and policy (though covered with the vail of piety) had advanced the military above the civil power: thou canſt not (if a native) be ignorant, what were the ſad effects of our civil war. Magiſtracy and miniſtry were deſpiſed, law and goſpel ſlighted, propriety invaded, parliaments garbled, and made ſubſervient to ambitious greatneſſe. The antient parliamentary nobility kept out, and *Jack* and *Tom* made Lords of the *other* Houſe. And though our grand politicians, which ſate at the helme of ſtate, framed for us many models of government (ſuch as beſt ſuted their ſeveral intereſts, and might ſecure their vaſt eſtates) yet none did *quadrate*: nor would the *military* men be ſubject to any, except they might be free from all, but the martial; and might for ever be a body diſtinct, and not ſubject to the civil power. By this the people clearly foreſaw that *Club* would be trump, let who would ſhuffle the cards.

The parliament therefore, in 1657, out of love to themſelves and poſterity, thought the name and title of a King a fit liewer to take down that exorbitant power, and knew, the government being once ſettled upon the old foundation, the law did limit the power of the governour, and thereupon framed and preſented the Protector with that Petition and advice, which the debate upon the bill for Kingſhip, (brought into the houſe by Alderman *Pack*) had produced. The Protector ſeemed very ſcrupulous to accept the name and title, though he enjoyed the place and power; becauſe *Lambert* and ſome leading officers would not conſent. Therefore was a committee of the houſe ordered to attend his Highneſſe, and to receive his doubts and ſcruples; and offer reaſons for his Highneſſe ſatisfaction in the maintenance of the parliament's reſolutions: upon this occaſion was the conference; and the learned ſpeeches therein made, are here preſented thy view, with the Protector's Anſwers,

By a Lover of his

King and Country.

Monarchy Aſſerted, &c.

Thurſday the ninth of April 1657.

ORDERED by the Parliament, That a Committee be appointed to wait upon his Highneſſe the Lord Protector, in reference to what his Highneſſe did yeſterday propoſe in his ſpeech, now reported to the houſe.

Reſolved, That this Committee have power to receive from his Highneſſe his doubts and ſcruples, touching any of the particulars contained in the *humble Petition and Advice* formerly preſented; and in anſwer thereunto to offer to his Highneſſe reaſons for his ſatisfaction, and for the maintenance of the reſolutions of this houſe; and ſuch particulars as they cannot ſatisfie his Highneſſe in, that they report the ſame to the Parliament.

The Names of the Committee.

Oliver St. John Lord Chief Juſtice.
Lord *Whitlock*, one of the Commiſſioners of the Treaſury.
Lord *Broghill.*
Mr. *Lenthal*, Maſter of the *Rolls.*
Lord Commiſſioner of the Great Seal (*Liſle.*)
Mr. *Waller.*
Lord *Chief Juſtice Glyn*, Chief Juſtice of the upper Bench.
Sir *Charles Woolſeley.*
Gen. *Montague.*
Col. *Jepſon.*
Sir *Thomas Jones.*
Sir *William Strickland.*
Col. *Thiſtlethwait.*
Lord Commiſſioner *Nathaniel Fiennes*, the other Commiſſioner of the Great Seal.
Sir *Rich. Onſlow.*
Sir *Rich. Lucy.*
Mr. Secretary *Thurloe.*
Bartholomew Hall, Attorney of the Dutchy.
Attorney General.
Mr. *Godfrey.*
Charles Lord Viſcount *Howard.*
Col. *Jones.*
Col. *Carter.*
Col. *Whitgrave.*
Col. *Brooks.*
Mr. *Lee.*
Mr. *Jenkinſon.*
Mr. *Bampfield.*
Mr. *Drake.*
Col. *Ingoldsby.*
Mr. *Pitts.*
Mr. *Pickering.*
Lord *Cockram.*
Mr. *Grove.*
Mr. *Lloyd.*
Mr. *Nathan. Bacon.*
Mr. *Ingoldsby.*
Lord Provoſt of *Edinb.*
Mr. *Bedfor.*
Col. *Ireland.*
Col. *Hacker.*
Major *Wagſtaffe.*
Mr. *Fran. Bacon.*
Mr. *Downing.*
Mr. *Price.*
Maj. Gen. *Whaley.*
Sir *John Reynolds.*
Mr. *Steward.*
Sir *Chriſt. Pack*, Ald.
Mr. *Laurence.*
Alderman *Foot.*
Capt. *Lilburn.*
Sir *William Roberts.*
Mr. *Trevor.*
Mr. Baron *Parker.*
Mr. *Tigh.*
Sir *Jo. Hobart.*
Mr. *Hambden.*
Mr. *Cromwell.*
Mr. *Throgmorton.*
Mr. *Fleetwood.*
Mr. *Philips.*
Maj. Gen. *Goffe.*
Mr. *Fowell.*
Major *Audley.*
Col. *Wilton.*
Major *Morgan.*
Col. *Wood.*
Maj. Gen. *Berry.*
Lord *Strickland.*
Lord *Cleypole.*
Mr. *Barkley.*
Major *Burton.*
Mr. *Dunch.*
Col. *Markham.*
Major *Aſton.*
Major Gen. *Bridges.*
Sir *Tho. Rouſe.*
Mr. *Bond.*
Col. *Fowkes.*
Col. *Bridges.*
Mr. *Moody.*
Col. *Groveſnor.*
Mr. *Gorges.*
Earl of *Tivedale.*
Sir *John Weeſnes.*
Dr. *Dowglas.*
Maj. *Beake.*
Mr. *Briſcoe.*
Capt. *Stone.*
Mr. *Lucy.*
Col. *Harvey.*
Sir *Liſlebon Long.*
Mr. *Thelwall.*
Sir *Edward Roads.*
Sir *Francis Norris.*
Col. *Sydenham.*
Mr. *Rouſe.*
Mr. *Tromball.*
Mr. *Burton.*

To meet forthwith in the Speaker's Chamber.

Reſolved, That this committee have power to appoint ſome of their number to attend his Highneſſe, to deſire him to appoint a time when they may wait upon him according to thoſe votes.

Hen. Scobel Clerk of the Parliament.

Saturday, April 11. The committee waited on the Protector.

Lord Whitlock.

I Onely underſtand, that by order of the Parliament, this committee are tyed up to receive what your Highneſſe ſhall be pleaſed to offer, as to your doubts or ſcruples upon this paper: the very words of the order are, *That the committee have power to attend your Highneſſe, to receive from your Highneſſe your doubts and ſcruples, touching any the particulars contained in the humble petition and advice, formerly preſented; and in anſwer thereunto, to offer to your Highneſſe reaſons for your ſatisfaction, and for the maintenance of the reſolutions of the houſe; and ſuch particulars as we cannot ſatisfie your Highneſſe in, that we may report the ſame to the Parliament, what particulars your Highneſſe ſhall think fit to object.*

Your Highneſſe is pleaſed to * mention the government, as it now is, and ſeems to ſome of our apprehenſions, as if your Highneſſe did make that an objection: *if the government be well, why do you change it?* if that be intended by your Highneſſe as an objection in the generall, I ſuppoſe the committee will give you ſatisfaction.

Lord Protector.] Sir I think that neither you nor I, but meet with a very good heart, to come to ſome iſſue of this great buſineſſe, but truly that is, † *that* I cannot aſſure you, I have all the reaſon and argument in the world to move me to it, and am exceeding ready to be ordered by you in the way of proceeding; onely I confeſſe according to thoſe thoughts I have, as I have anſwered my own thoughts in preparing for ſuch a work as this is: I have made this || motion of it to myſelf; That having

* It appears from this reference to what *Cromwel* had ſaid, that part of this conference is omitted; or it may refer to his ſpeech *April* 8. † For *what*, as in other places. || Perhaps *notion*.

having met you twice, at the committee firſt, and returned you that anſwer that I gave you then; and the houſe a ſecond time: I doe perceive that the favour and the indulgence that the houſe ſhews me in this is, that I might receive ſatisfaction. I know they might have been poſitive in the thing, and ſaid they had done enough, if they had onely made ſuch an addreſſe to me,—they might have inſiſted upon it---onely to offer it, yet I could plainly ſee, it was my ſatisfaction they aimed at; I think really and ſincerely, it is my ſatisfaction that they intend, and truly I think there is one clauſe in the paper, that doth a little warrant that, *to offer ſuch reaſons for his ſatisfaction and for the maintenance of the reſolutions of the houſe.*

Now, Sir, 'tis true the occaſion of all this is, the anſwer that I made, that occaſions a committee to come hither, in order to my ſatisfaction: and truly Sir I doubt-- (if you will draw out thoſe reaſons from me, I will offer them to you,--but I doubt on my own part) if you ſhould proceed that way, it would put me a little out of the method of my own thoughts, and it being mutual ſatisfaction that is endeavoured, if you will do me the favour, it will more agree with my method,-- I ſhall take it as a favour, if it pleaſe you,--I will leave you to conſider together your own thoughts of it.

Lord Whitlock.] The committee that are commanded by the Parliament, and are here preſent to wait upon your Highneſſe, I doe ſuppoſe cannot undertake to give the reaſons of the Parliament, for *that* they have done; but any Gentleman here can give his own particular apprehenſion for your Highneſſe's ſatisfaction; and if you will be pleaſed to go in the way which you have propounded, and either in general or in particular, to require a ſatisfaction from the committee, I ſuppoſe we ſhall be ready to doe the beſt we can to give you ſatisfaction.

Lord Protector.] I think if this be ſo, then I ſuppoſe nothing can be ſaid by you, but what the Parliament hath dictated to you, and I think that is clearly expreſt, that the Parliament intends ſatisfaction; then is it as clear, that there muſt be reaſons and arguments, that have light and conviction in them, in order to ſatisfaction.

I ſpeak for myſelfe in this: I hope you will think it no otherwiſe:--I ſay it doth appear ſo to me, that you have the liberty of your own reaſons; I think if I ſhould write any of them, I cannot call this the reaſon of the Parliament. In the Parliament in determinations and concluſions, by votes of the ſeveral particulars of the government, that reaſon is dilated and diffuſed, and every man hath a ſhare of it; and therefore, when they have determined ſuch a thing, certainly it was reaſon that led them unto it; and if you ſhall be pleaſed to make me partaker of ſome of that reaſon,-- I do very reſpectfully repreſent to you, that I have a general diſſatisfaction at the thing, and I doe deſire that I may be informed in the grounds that lead you, whom I preſume are all ſatisfied perſons as to the thing, and every part of it; and if you will be pleaſed to think ſo fit,-- I will not farther urge it upon you:--To proceed that way it will be a favour to me. Otherwiſe--I ſhall deal plainly with you-- it doth put me out of the method of my own conceptions, and then I ſhall beg that I may have an hours deliberation, that we might meet again in the afternoon.

Lord Chief Juſtice.] The Parliament ſent us to wait upon your Highneſſe, to give your Highneſſe any ſatisfaction that is in our underſtandings to give: the whole paper conſiſts of many heads, and if your Highneſſe intend ſatisfaction, the propoſition being generall, we can give but general ſatisfaction, and therein we are ready,--if that be your Highneſſe meaning, I think we ſhall be ready to give ſatisfaction as far as our underſtandings.

Lord Protector.] If you will pleaſe to give me leave, I do agree-- truly the thing is a generall, as it is either falling under the notion of ſettlement, that's a generall that conſiſts of many particulars; and truly if you call it by that that it is tituled, there it is generall, it is *advice, deſires* and *advice*, and that (the truth is) that I have made my objection in, is but one thing as yet, onely the laſt time I had the honour to meet the Parliament, I did offer to them, that they would put me into a condition to receive ſatisfaction to the particulars: no queſtion I might eaſily offer ſomething particular for debate, if I thought that that would anſwer the end, for truly I know my end and yours is the ſame, that is, to bring things to an iſſue one way or other, that we may know where we are, that we may attain that generall end, that is, ſettlement; the end is in us both, and I durſt contend with any one perſon in the world, that it is no more in his heart, then in mine. I could goe to ſome particulars to ask a queſtion, or ask a reaſon of the alteration, which would well enough let you into the buſineſſe,-- that it might,-- yet I ſay it doth not anſwer me:-- I confeſſe I did not ſo ſtrictly examine that order of * reference, or whether I read it or no I cannot tell you;— if you will have it that way, I ſhall as well as I can, make ſuch an objection as may occaſion ſome anſwer to it, though perhaps I ſhall object weak enough,--I ſhall very freely ſubmit to you.

Lord Chief Juſtice.] The Parliament hath commanded us for that end, to give your Highneſſe ſatisfaction.

Lord Commiſſioner Fines.] May it pleaſe your Highneſſe, looking upon the order, I find that we are impowered to offer any reaſons that we think fit, either for the ſatisfaction of your Highneſſe, or maintenance of what the Parliament hath given you their advice in; and I think we are rather to offer to your Highneſſe the reaſons of the Parliament, if your Highneſſe diſſatisfaction be to the alteration of government in general, or in particular.

Lora

* Perhaps *Conference.*

Lord Protector.] I am very ready to ſay I have no diſſatisfaction that it hath pleaſed the Parliament to find out a way, though it be of alteration, to bring theſe nations into a good ſettlement; and perhaps you may have judged the ſettlement we were in, was not ſo much for the great end of government, the liberty and good of the nations, and the preſervation of all thoſe honeſt intereſts that have been engaged in this cauſe. I ſay I have no exception to the generall, that the Parliament hath thought fit to take conſideration of a new ſettlement or government; but you having done it as you have, and made me ſo farre intereſted in it, as to make ſuch an overture to me, I ſhall be very glad if you ſo pleaſe to let me know it, that beſides the pleaſure of the Parliament, that may be ſomewhat of the reaſon of the Parliament, for intereſting me in this thing, and for making the alteration ſuch as it is. Truly I think I ſhall as to the other particulars ſwallow this--I ſhall be very ready to aſſign particular objections to clear that to you, that may be either the better to clear, or to help me at leaſt to a clearer underſtanding of the thing for better good, for that I know is in your hearts as well as mine. Though I cannot preſume that I have any thing to offer to you, that may convince you, but if you will take in good part, I ſhall offer ſomewhat to every particular: if you pleaſe.

As to the firſt of the thing; I am clear as to the ground of the thing, being ſo put to me, as it hath been put: I think that ſome of the grounds upon which it is done will very well lead into ſuch objections or doubts as I may offer, and will be a very great help to me in it; and if you will have me propoſe this, or that, or the other doubt that may ariſe methodically, I ſhall do it.

Lord Whitlock.] I am very much aſſured, that all this company is come with the ſame affection and faithfull reſpect to the publick ſettlement, as your Highneſſe hath pleaſed to expreſſe. For my part, I doe with a great deal of clearneſſe and faithfulneſſe: And in my particular apprehenſion, I conceive that in the method that your Highneſſe mentioned to proceed in we may anſwer, and if any gentleman be of another opinion, he will be pleaſed to correct me in it.

The Parliament taking conſideration of the preſent government, and the inſtrument that doth eſtabliſh it, ſeemeth to my apprehenſion to be of opinion, that it was very fit there ſhould be ſome courſe taken for a ſettlement in the government of the nation by the ſupream legiſlative power; your Highneſſe and the Parliament concurring together in it, they found the inſtrument of government in the original and foundation of it, to require *this* ſettlement by the ſupream legiſlative power, in regard of the original of the *other*, which they did think, as I apprehended by ſome gentlemens debates upon it, might be an occaſion of ſome doubts, and of leſſe ſtability, if it were left to continue upon the ſame foundation it is, and that it will not be ſo clear a ſettlement and foundation for the preſervation of the rights and liberties of the nation, as if we came to a ſettlement by the ſupream legiſlative power.

Upon that ground it was taken into conſideration, and a ſettlement brought to effect upon very ſolemn full and candid debates among themſelves in Parliament.

Their intentions I ſuppoſe were onely theſe, *To provide for the ſafety and peace of theſe nations hereafter, to provide for the rights and liberties, both ſpiritual and civil of the people of theſe nations*, and in order to make the beſt proviſion they could, for theſe great concernments of the people, the petition and advice which they have humbly preſented to your Highneſſe was brought to a determination by them.

* For that particular which your Highneſſe did formerly intimate, when the Parliament did attend upon you, the committee of the Parliament, and which you are now pleaſed to intimate concerning the title, I doe humbly apprehend the grounds of that to be theſe:

The foundation of that title of *Protector* being not known by the law, being a new title, it was thought, that the title which is known by the law of *England* for many ages, many hundreds of yeares together received, and the law fitted to it, and that to the law, might be of more certainty and clear eſtabliſhment, and more conformable to the lawes of the nation; and that that title ſhould be that of *King*, rather than that other of *Protector*. There is very much as to the eſſence of the buſineſſe, as ſome gentlemen did apprehend, that the title ſhould be a known title, that hath been in all theſe times and ages received, and every particular perſon hath occaſion of knowing of it, and of his rights applyed to it: and likewiſe of the generall rights of the people and their liberties which have an application to that name, which application cannot be ſo clear and ſo certain to a new title, the title of *Protector*.

Some gentlemen I heard reaſon it, that the title of *Protector* is onely upon the originall and foundation as it now ſtands; but the title of *King*, beſides the conſtitutions by which it ſhall be made, will likewiſe have a foundation upon the old and known lawes of the nation; ſo that there will be both the preſent conſtitution, and likewiſe the ancient foundation of the lawes of *England* to be the *Baſis* of the title of *King*: What changes of this nature may bring of inconvenience with them, can hardly in every particular be foreſeen, but it is imagined, that many will be, that poſſibly we may not be able beforehand to comprehend; but there ſeems to be more of certainty and ſtability, and of the ſupream authority, civil ſanction upon that title, then upon the other. This I humbly apprehend to be one reaſon concerning both the eſtabliſhment of the whole, and as to that particular, which I think is the firſt part of it your Highneſſe ſeemed to intimate.

Maſter of the Rolls.] May it pleaſe your Highneſſe, I am very glad that there is ſuch a latitude as we may ſhew ourſelves here, as I know the parli-

* *i. e. with regard to, as for.*

Parliament intends to give your Highneſſe all ſatisfaction as may be; and truly I ſay upon the firſt head, that which your Highneſſe is pleaſed to call a *Title*, as if it were a bare *Title*, I muſt humbly crave pardon if I doe not think, nor did the houſe think, but it carries more in it of weight then a meer *Title*; for upon due conſideration you ſhall find that the whole body of the law is carried upon this wheel. It is not a thing that ſtands on the top meerly, but runs through the whole life and veins of the law. You cannot almoſt make any thing or doe any thing, look upon all our lawes ever ſince we had lawes, look upon all the conſtitution, ſtill there is ſuch an intereſt, not of the *Title*, but of the name *King*, beſides the *Title*, (that's not the thing) for the *Title* you may rather tye it to the perſon than the thing, but the word *King* doth ſignifie the perſon. Now ſir we doe ſee in all the wayes of our proceedings, in the maintaining of the rights, properties and intereſts of the people, and of the prerogative of the chief magiſtrate, that the very office carries on the buſineſſe and not the *Title*, and yet it muſt be ſuch a *Title* too, as implies the office, and makes the office ſuitable to the law, it's the office that doth dignifie the perſon, not the perſon the office. I ſhall crave your Highneſſe pardon if I ſpeak any thing amiſſe; we ſee that the very office that carries on, and not the perſon, yet that office muſt have a ſuitableneſſe. I have obſerved all along that we have had many debates that have ariſen in this nation about the *Thing*, but the ground and reaſon why they have adhered to this *Title*, was for the maintenance of their liberties, not for the charge of the office. I muſt confeſſe, I do not ſee that the other title will doe the ſame thing. That other title hath no further latitude, nor extent, but the very inſtrument, it goes no further; for the very inſtrument is the foundation of it, we can find no further inſtrument original, we have had thoſe names heretofore, but never grounded upon the thing itſelf, but grounded upon the office of a King, they had no office or duty to perform, but what was under the office and duty of a King. It's very true, it is not ſo now certainly, for you have now a title upon that foundation that is your inſtrument, and it can reach no further: it is a title that I cannot ſee, I muſt confeſſe, but that we have a good magiſtrate, and good officers, but it may extend whither it will. It hath no limit at all; but the chief magiſtrate, if he ſhould prove * otherwiſe, you have no limit to it by any rule of law that I underſtand, if you pleaſe give me leave to tell you, the very inſtrument does give a foundation to the title of *Protector*, I am ſure, to croſſe, if he pleaſe, the moſt fundamental point that the law hath. There was a time when as prince of this nation (a very late time too) would change this name, and it was a very ſlender change, for it was but from the King of *England*, to the King of *Great Britain*, and this was preſented to the Parliament; it had a debate of many dayes, and it was reſolved there and ſettled, that they could not change, there was ſo much hazard in that change, they knew not but that all their rights and liberties might be thereby altered. And when the King ſaw he could not obtain it of the houſe, he declared by proclamation, that he never intended to take any name upon him, that ſhould put a doubt to the liberties, and privileges of Parliament, and cauſed this proclamation to be put among the ſtatutes, I may ſay it indeed very cunningly to be printed, and put among the ſtatutes, though indeed it was none, and becauſe there was a danger, he laid it down willingly; onely (ſaies he) your divines in the pulpits ſhall pray for me by the title, *King* of *Great Britain*, and ambaſſadours ſhall make their addreſſe by that name, but in your lawes I will not alter the name. In the Parliament there was a queſtion, whether we ſhould not alter the name of Parliament, and call it *the Repreſentative of the people*, but the whole houſe went upon this ground, that by changing the name of Parliament to a Repreſentative, we did not know how it might change the very courſe, ground and reaſon of Parliaments. There is a great deal of *thing* in the very *name*. I remember, a very honourable perſon, now with God, was then very earneſt for it, for having this name changed, and he did ſhew many reaſons for it, but hearing the debates and reaſons againſt it, he ſat down and was ſatisfied. I think I may name him, it was my lord *Ireton*, who did ſay, he was ſatisfied, it was not fit to be done at that time. It is a famous ſtory in every man's mouth heretofore, when there was but a little intention to change the law, it was a generall reſolution given by the lords,

Nolumus leges Angliæ mutari.

It's doubted, yea conceived, not poſſible to annex the lawes and the title of *Protector* together. This I muſt ſay we come now with an intention of a perfect ſettlement, ſuch as may give ſafety to the nation, to your perſon, to the people: for indeed ſir, they are very jealous of their laws and liberties, and have bin in all ages, and though you may not have an intention to do ſuch a thing, yet, if you have a doubt, it's better and more ſafe for the chief magiſtrate, to keep that which hath no doubt.

Then the Parliament laying their intereſt and their regard to you together, and giving you this advice, this is *vox populi*, for it is the voice of the three nations in one Parliament. Upon publick intereſt the chief thing is the ſafety of the people; that ſafety, your will, your judgement, nay, give me leave to tell you, your conſcience is bound to it, for it is the principal end of government and governours. This is preſented to you by three nations, by the Parliament, althoughy ou may make your heſitations, yet, in ſuch a thing of great weight and conſequence, I know this, that I have ſaid may ſeem to imply as if we ſhould fall upon a point. By the lawes I can ſay in all generations, this is mine, and this is the prince's, and the prince cannot do me wrong, nor the council do me wrong, *&c.* Therefore I think you *may* ſafely, and I hope *will* agree to this particular, as we have preſented

* That is, otherwiſe *than Good*.

preſented it: I dare not ſay that your Highneſſe (as it comes as advice from Parliament) *ought* to do ſo.

The Lord Protector.] I cannot deny but the things that have been ſpoken, have been ſpoken with a great deal of weight, and it is not fit for me to ask of any of you, if you have a mind to ſpeak farther of this; but if it had been ſo your pleaſure, truly then I think it would have put me, according to the method and way I have conceived to my ſelfe, to the more preparedneſſe, to have return'd ſome anſwer, and if it had not been to you a trouble. I am ſure the buſineſſe requires it from any man in the world, if he were in any caſe, much more from me, to make ſerious and true anſwers, I *mean* ſuch as are not feigned in my own thoughts, but ſuch wherein I expreſſe the truth and honeſtie of my heart; I mean *that* by true anſwers: I did hope, that when I had heard you ſo far as it is in your pleaſure to ſpeak to this head, I ſhould have then (taking ſome ſhort notes as I did) have been in a condition this afternoon, if it had not been a trouble to you, to have returned my anſwer upon a little adviſement with myſelf; but ſeeing you have not thought it convenient to proceed this way, truly I think I may very well ſay, that I had need have little thoughts of the thing to return an anſwer to it, leſt your debate ſhould end, on my part, with a very vain diſcourſe, and with lightneſſe, which it is very like to do: I ſay therefore if you think to proceed farther to ſpeak to theſe things, I ſhould have made my own ſhort animadverſions on the whole this afternoon, and made ſome ſhort reply; and this would have uſher'd me in, not onely to have given the beſt anſwer I could, but to have made my own objections.

Lord Chief Juſtice.] Since it is your Highneſs pleaſure, that it ſhould be ſpoken now altogether, by thoſe that have any thing to ſay: I think it will be the intent of the committee and the Parliament, to give your Highneſs ſatisfaction in all particulars; both ſubſtance and circumſtance: I confeſs I waited for objections from your Highneſſe, that being the principal ſcope of the order. Truly my Lord, I ſtand up with no confidence, that I can add any thing to what hath been ſaid; but becauſe it pleaſes your Highnes to do us the great favour, to put us to particulars, I think the queſtion before you is but ſingly thus. I am already *Protector*, and I have that office put to the government, whereby we meet the Parliament now; you deſire me to take upon me the office of *King*, why do you ſo?

That which we are to ſpeak here, is no other, but that which we can underſtand was the ſenſe of the Parliament, in juſtification of what they have done. I ſhall not ſpeak any thing of the Government it ſelf, but to this particular, I think the office of a King is a lawful office, and the title too, approved of by the word of God, that's plain. It is plain likewiſe, it is an office that hath been exerciſed in this nation from the time it hath been a nation: and I think it is as true that there never was any quarrel with the office, but the male-adminiſtration, that I can remember, about the ill government; oftentimes kings have been blamed, and very juſtly for their ill government, but we doe not read that there was any challenge by the Parliament, that this government we deſire to be diſcharged of. If that be true, it is to me a ſtrange ground, having paſt the ſcrutiny of ſo many Parliaments, where they did debate *de re*; that in all theſe debates they did not charge it upon the nation, that the place is a burthen in it's own nature, and this too, when the Parliaments have had opportunity to have changed the government. The name of *KING* is a name known by the law, and the Parliament doth deſire that your Highneſſe would aſſume that title.

Theſe are the grounds why the Parliament make it their humble advice and requeſt to your Highneſſe, that you would bepleaſed to aſſume that title, and I think there isſomething more in it--You are now Lord *Protector* of the three nations, by the inſtrument; and there is a clauſe of this government that you ſhould govern according to law, and your Highneſſe is ſworn to that government: the Parliament doth apprehend that it is almoſt impoſſible for your Highneſſe to anſwer the expectation of the people to be governed by the lawes, and yet you are ſo tied up, that neither they can rationally call for it, nor you conſcientiouſly do it, and ſo there is neither Lord *Protector*, nor the people, upon a ſure eſtabliſhment. For there ſtands the caſe; A *King* hath run thorow many ages in this nation, and hath governed the nation by that title and ſtile that it is known to the law; for the law of the Nation is no otherwiſe, then what hath been a cuſtome to be practiſed as is approved by the people to be good----that is the law and nothing elſe, excepting acts of Parliament; —and now they have been governed by that title, and by the miniſter, and by that office. If ſo be your Highneſs ſhould doe any Act, and one ſhould come and ſay, *My Lord Protector*, why are you ſworne to govern by the law, and do you do thus and thus, as you are Lord *Protector? Why do I? why, how am I bound to do?* Why, the king could not have done ſo. *Why, but I am not* King, *I am not bound to do as the* King, *I am Lord Protector*; *ſhew me that the law doth require me to do it as Protector: if I have not acted as Protector, ſhew me where the Law is.* Why you put any one to a ſtumble in that caſe; this is one thing that I humbly conceive, did ſtick in the Parliament as to that particular.

Another thing is this, you are *Protector*, which is *a new office* not known to the law, and made out of doores: you are call'd upon, that you would be pleaſed to accept that office of a *King*---that is, by the whole people.---It is the firſt government that ſince theſe troubles hath been tendered, by a generall and univerſall conſent of the pople.

Another thing is this, if any ſhould finde fault with them, and ſay, Why, *how came you to make governments in this caſe?* Why, the anſwer is, we are a Parliament, and have your ſuffrage, you have ever truſted us with all your votes and we

will juſtifie it: but beſides we have not done it neither; we have but ſettled it upon the old foundation.

Then the kingſhip, however ſome may pretend, a King's prerogative is ſo large, that we know it not—it is not bounded----but the Parliament are not of that opinion. The *King's* prerogative is known by law, he did expatiate it beyond the dues, that's the evil of the man----But in *Weſtminſter* Hall the King's prerogative was under the courts of juſtice and is bounded as well as any acre of land or any thing a man hath, as much as any controverſie between partie and partie. And therefore the office being lawfull in its nature, known to the nation, certain in it ſelf, and confined and regulated by the law, and the other office being not ſo, that was a great ground of the reaſon, why the Parliament did ſo much inſiſt upon this office and title, not as circumſtantiall, but as eſſentiall; yea, it is the head from whence all the nerves and ſinews of the government do proceed, as was well ſaid by the *Maſter of the Rolls:* If we put a new head, its a queſtion whether thoſe nerves and ſinews will grow, and be nouriſhed and ſtrengthned with that head.

I had ſomething in my thoughts which I had forgot;----ſomething of an objection.----*Why are you ſo pertinacious, or inſiſt ſo much upon this title? May not you applie all the powers and authorities unto the office of* Protector, *and then you will give ſatisfaction?* I muſt needs ſay, he that makes this objection, makes it but meerly for a *name*. If any ſhall ſay I am content the *Protector* ſhall have the *office* but not the *name*, I think this man is very ſtrait-laced; then he puts it meerly upon the word; and truly, if there be no more in it, if there be nothing but that word, you have in the ballance with it, the deſires of the Parliament----I beſeech you do not break with your Parliament, for a word.

Another objection is, *We have been under the* Protector, *and the judges have taken their office under that government, and the judges have taken their meaſure by the authority of the* King, *and have taken it to be the ſame with that of* King, *and ſo go on.* I confeſſe that the judges have gone very far that way, and I may not ſpeake my owne opinion of this caſe in this place, but yet it is very well known that there hath been variety of opinions and judgements in this caſe, even from thoſe that have been judges of the nation, and I do not take the people to be upon a very good eſtabliſhment, when there ſhall be doubtings, in thoſe that ſhould be beſt knowing. I would never make a doubt that tends to the ſhaking of foundations, if I could avoid it. The taking of this office will avoid a doubt, the continuing of the other office may be more uncertain---I would never make a doubt where it may be clear--perhaps the taking of the other would reduce men to ſatisfaction; -----there is but a *perhaps* in the one, and a *certainty* in the other.

Sir Charles Wooleſley.] Not only we that are here, but many honeſt hearts in *England*, rejoyce to ſee this day, wherein your Highneſſe and the Parliament, are, with ſo much nearneſſe and affection, debating the ſettlement of the nation.

One reaſon why your Highneſſe ſhould take this title offered you by the Parliament, is becauſe as you ſtand in relation to the old government you are obliged to the law, yet have not the advantage of the law, which the chief Magiſtrate ought to have. The law knows not a *Protector*, and requires no obedience from the people to him. The Parliament deſires to ſettle one ſo, that the people may know your duty to them, and their duty to you. The Parliament finde the mindes of the people of theſe nations much ſet upon this *office* and *title*: God hath by his providence put a generall deſire of it in the nation, and they thinke in things not unlawfull they ought to hearken, and to be much inclined by the deſires of them that ſent them, and in ſuch things as are for their good, as this is, to be much provoked thereby to the doing of them.

Truly, ſir, it hath been much in the thoughts of the Parliament, that the reaſon why things of late have been ſo unſettled throughout in the nations, hath been becauſe, that to the body of this people, there hath not been a legall head. The well-being of the head, is not more neceſſary to the wholſome conſtitution of the body naturall, then a right head is neceſſarie to the body politick. I may humbly tell your Highneſſe, this nation hath ever been a lover of *Monarchy*, and of *Monarchy* under the title of a *King*: the name and office hath for above a thouſand years been in this nation: though they have often changed their princes, yet never the name nor office. 'Tis the great common law, that is, the cuſtome of the nation, approved good by many ages, to have the office and name of a *King:* no new law that makes any other, can have that validity, which the cuſtome of ſo many ages hath. Sir, the Parliament doth judge the ſafety of your perſon much concerned to take this title, and 'tis not *yourſelf* they look to (though their hearts are full of honour, I may ſay it, to your Highneſſe as can be) but to you as *chiefe magiſtrate*, repreſenting the people; and being head of the law, and all magiſtracy, the people hath a ſhare and concernment in you. We ſee this hath been the great encouragement of theſe attempts againſt your perſon, that the law did not take notice of you as chief magiſtrate, and that juries were generally backward to find any guilty for treaſon, for attempting againſt you.

The Parliament cannot think it fit, to have their chief magiſtrate in ſuch a condition. Your Highneſſe hath been pleaſed to call yourſelf (as when you ſpeak to the Parliament) a *ſervant*, you are ſo indeed to the people, and 'tis your greateſt honour ſo to be. I hope then ſir, you will give the people leave to *name* their own ſervant, that is a due you *cannot*, you *will not* certainly denie them. Their repreſentatives deſire you will ſerve the people under this title, and were there no other reaſon, therefore it is the beſt. I beſeech your Highneſſe conſider, if you ſhould refuſe this *Title*,

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the Parliament preſents you with, you do not onely denie yourſelf the honour they put upon you, but you denie the nation, you denie the people their honour, which by right they ought to have. 'Tis their honour and their juſt birthright, to have a ſupreme magiſtrate with the title of a King. I know ſir, though you can deny yourſelf, yet you will not deny the nation their due, when their repreſentatives, challenge it from you. The Parliament have highly engaged all the good people of this nation, to make you (who are one of them, and have been in theſe troubles their head and leader) to be their King. And certainly, ſir, whatever diſſatisfaction may be in this caſe, it ought not to weigh. If there be any judge on earth of the people's good, 'tis the whole people repreſented together, and what others ſay, it is but by individuals. Sir, the Parliament have hundreds, nay thouſands upon their backs, the good people of the nation, a quiet peaceable people, with you, and what the Parliament ſhall judge fit, is their duty, and no doubt they will ſubmit.

Sir, were there in this matter no other reaſon why you ſhould accept this, I know this alone, which indeed is the greateſt reaſon I can give, would ſway you above any thing, that what is before you is the advice of your great council the Parliament.

Ld. Comm. Fines] I ſhall offer what I conceive from their debates to be the reaſons why the Parliament adviſe your Highneſs to this title, and ſeeing what is in the fountain muſt be conveyed by ſuch pipes, I ſhall clear the ſtate of the queſtion; which, in the firſt place, if I miſtake not, is onely upon *name*, not upon any *thing*, not upon the *office* of a *King*, but upon the *title* of a *King*; for the queſtion is, Whether the ſame *thing* ſhall be ſignified by the *office* of a *King*, under the *name* of a *King*, or by the *office* of a *King* under the *name* of a *Protector*? Undoubtedly the *office* of a *King* may be more exerciſed under another *name* then it may if the *powers* be not *Kingly*, though the *name* be there; he that ſaid he would not do his maſters will, and yet did it, did it more then he that ſaid he would and yet did it not: he that hath all the *powers* and authorities of a *King*, is a *King* though he hath not the *name*.

2. Either there muſt be a diverſitie, and for any thing that may difference it but the name it ſelfe, truely Sir, either this muſt be done, you muſt enumerate all the powers of *Protector*, or, what is left unenumerated muſt be the ſame thing as the law ſayes is the duty of a King, and this I thinke the judges have determined. This being the cleere ſtate of the queſtion, the difference will ariſe meerly upon a name, and the Parliament did not think it agreeable to their wiſdome for them to look upon all the laws and all the caſes, and make the name of *Protector* to ſuit them, or elſe leave it lawleſſe and boundleſſe, but what was not confined to the power of a King, was confined to the deciſion of the law. That being ſo, the Parliament thinks it is fit for them to doe as all wiſemen do, in making names, they give out names according to the nature of the thing, and either they muſt fit all the lawes to the name, and that is impoſſible, or leave the name unbounded, and that is intollerable.

All creatures were brought to *Adam*, to give them names, he gave them according to their natures. And ſo the Parliament conſiders what the thing is that they were about to adviſe your Lordſhip to, the Parliament find this to be the ſame Government as was before, and if they would have *that*, why not their old *name?* if the *thing*, why not the *title?* Truly it ſeems very reaſonable that names ſhould be proportioned to the thing; they have found divers reaſons why the name ſhould be *King*, becauſe it is a thing clear to all the world that the people are more willingly obedient to old things and names then to new, and ſo far as old things can be retained without danger or inconvenience, it is the wiſdome and duty of all governours to retain them.

I remember in the ſtories of our wars with the French, *Edw.* 3. had aſſiſtance from *Flanders*. One thing more of the name of the *Protector*, may be conſidered in relation to the laws of this land: every one knows it does not relate to him that hath the chiefe magiſtracy, but as he was tutor or guardian to another, that is all the legall notion or uſe of the name *Protector* in this land, and the holding this name doth hold forth a gap of apprehenſion and expectation, that there may be a change.

Theſe are in ſubſtance that which I can remember of the debates of the Parliament.

Lord Com. Liſle.] I Humbly conceive that in this title offered to your Highneſſe by the Parliament, they do take the ſame care for your Highneſſe, as *Jethro* took for *Moſes*, they find the weight of the government, as it is now upon you, under the title *Protector*, is a burthen, that will wearie both yourſelf and the people likewiſe, and therefore they do deſire your Highneſſe will be pleaſed to accept of that title, that may be an eaſe to your Highneſſe and to the people. The greateſt weight and burthen of government, is when there is a jealouſie betweene the prince and the people for want of a right underſtanding: Though neither Parliament nor people have a jealouſie of your perſon, yet of the title they have, for want of a right underſtanding. But if your Highneſſe will be pleaſed to accept of the title that is now offered, all jealouſies will be done away, for they will then underſtand what you are, and truely Sir, I think the jealouſie will be higher now, then at firſt when the remonſtrance was offered to you: For the title of *Protector* is either the *ſame thing* in power with the title of *King*, or it is *ſomething elſe*. If it be ſomething elſe then what the title of *King* is when it is confined, that will raiſe their jealouſie very much. If it be the ſame *thing*, then there is nothing of difference but a *name*, and they will think there is *more* then a name, if the Parliament do offer it to your Highneſs, and your Highneſs ſhould wave it.

Sir, the Parliament did think, that your Highneſs was never able to provide to doe juſtice to the Nation for the preſent, nor that peace ſhould be maintained

tained in the Nation for the future, unleſſe your Highneſſe accept of this title. National juſtice does conſiſt in two things, that you doe right to the people with relation to their juſt rights in relation to Parliament ; that you doe right to the people in relation to their juſt rights according to the law of the Land. Sir, the nation's rights in Parliament can never be done to the people, unleſſe the Parliament hath its ancient right in relation to the government: and they can never have their right in relation to the law, unleſſe the lawes have their ancient right in relation to the governours. Sir, the reaſon why the Parliament doth nowoffer it, as I conceive, is this, Sir, they did conſider the caſe of *David*, it was the proper time to offer the title to *King David*, when the elders of *Iſrael* and the people did Covenant with King *David* at *Hebron*. The remonſtrance offered to your Higneſſe is the Covenant of the three Nations, both for ſpirituall and civil liberties. If there was a proper time to make *David* King, when they covenanted with him at *Hebron* : it is now a proper time for you to accept this title, when the Parliament hath brought this with a covenant for the three nations, that relates both to their civil and ſpiritual liberties.

Lord Broghil.] Sir, I can adde ſo little to what hath been already ſpoken, that were it not in obedience to command, I ſhould with much more ſatisfaction be ſilent then now ſpeak ; but being under an obligation I may not violate, I ſhall in obedience thereof preſume to lay my poore thoughts before you. But firſt I ſhall take the boldneſſe to ſay, I believe it is a thing impoſſible for any to particularize every individual reaſon, which invites a Parliament to paſſe any vote ; for the Parliament is a body conſiſting of many Members, and all of them reliſh thoſe arguments and reaſonings, which are moſt conſonant to every man's apprehenſion, in which there is ſo great variety, that though, when a vote is paſt, we may conclude *that* vote is the ſenſe of the houſe, yet we cannot ſay, that *theſe*, and *none but theſe*, reaſons produced that reſult. I onely mention this, Sir, that whatever I ſhall ſpeak may be conſidered by you but as my poor apprehenſions what in ſome degree might have contributed to move the parliament to petition and adviſe your Highneſſe to aſſume the title and office of *King:* for it would be too high a preſumption in any member, eſpecially in me above any, to dare averre that what I ſhould now ſay, did only invite the Parliament to give your Highneſſe that counſell.

Having thus humbly premiſed what I held my ſelf obliged unto in dutie, I ſhall now proceed to acquaint you what, in my weak judgement, did in ſome meaſure move the Parliament to doe what they have done.

Firſt, I humbly conceive, that the title of *King* is that which the law takes notice of, as the title of ſupreme Magiſtrate, and no other, and that the old foundations that are good, are better than any new ones, though equally good in their own nature; what is confirmed by time and experience carries along with it the beſt triall, and the moſt ſatisfactory ſtamp and authority.

Secondly, It was conſidered too, that it was much better that the ſupreme Magiſtrate ſhould be fitted to the lawes that are in being, than that thoſe lawes ſhould be fitted unto him.

Thirdly, The people legally aſſembled in parliament having conſider'd of what title was beſt for the ſupreme Magiſtrate, did after a ſolemn debate thereon pitch upon that of *King*, it being that by which the people knew their dutie to him, and he the dutie of his office towards them, and *both* by old and known lawes.

Fourthly, There is hardly any who own government at all in theſe nations, but think themſelves obliged to obey the old laws, or thoſe which your Highneſſe and the Parliament ſhall enact. So that if the ſupreme magiſtrate of theſe three nations be entitled *King*, all thoſe who reverence the old lawes, will obediently and chearfully accept of him, as that which is ſettled, upon the eſtabliſhment they own, and all that own this preſent authority will doe the like, becauſe grafted by it, by which none can reſt unſatisfied that think it a duty to obey former authorities or the preſent.

Fifthly, The former authorities know no ſupreme magiſtrate, but by the title of *King*, and this preſent authority deſires to know him by no other, which if refuſed, might it not too much heighten our enemies, who may boulſter up their faint hopes, with ſaying to one another, and to thoſe which aſſiſt them, that *their* chief is not only under that title which all paſt parliaments have approved, but under that title which even this parliament does approve likewiſe, and that *your* head is not known by the former lawes, and has refuſed to be known by that appellation which even the Parliament that he himſelf hath called, doth deſire to know him by ?

Sixthly, By your Highneſſe bearing the title of *King*, all thoſe that obey and ſerve you, are ſecured by a law made long before any of our late differences had a being, in the 11 * *Henry* VII. where a full proviſion is made for the ſafety of thoſe that ſhall ſerve whoever is *King*. It is by that law that hitherto our enemies have pleaded indemnitie, and by your aſſuming what is now deſired, that law which hitherto they pretended, for their diſobedience, tyes them even by their own profeſſion and principles to obedience; and I hope taking off all pretences from ſo numerous a party may not be a thing unworthy of conſideration. That law ſeems very rational, for it doth not provide for any particular familie or perſon, but for the peace and ſafety of the people by obeying whoever is in that office and bears that title.

The end of all government is to give the people juſtice and ſafetie, and the beſt means to obtain that end is to ſettle a ſupreme Magiſtrate ; it would therefore ſeem very irrational that the people having obtained the end, ſhould decline that end onely to follow the means, which is but con-

* See Supplement to Gent, Mag, for 1741. p. 703.

conducing to that end ; ſo that if the title and office of *King* be veſted in your Highneſſe, and that thereby the people enjoy their rights, and peace, it would be little leſs than madneſs, for any of them to caſt off thoſe bleſſings, onely in order to obtain the *ſame* end under *another* perſon.

Seventhly, There is at preſent but a divorce between the pretending king and imperiall crown of theſe nations, and we know that perſons divorc'd may marry again, but if the perſon be married to another, it cuts off all hope.

Theſe may be ſome of thoſe reaſons, which invited the Parliament to make that deſire,and give that advice to your Highneſſe of aſſuming the title of *King*. There is another, and a very ſtrong one, which is, that now they have actually given you that advice ; and the advices of the parliaments, are things which alwaies *ought*, and therefore I am confident *will* carry with them very great force and authority : nor doth this advice come ſingly, but accompanied with many other excellent things, in reference to our civil and ſpiritual liberties, which your Highneſſe hath born a juſt and ſignall teſtimony to. It is alſo a Parliament, who have given unqueſtionable proofs of their affection to your Highneſſe ; and who, if liſtned to in this particular, will be thereby encouraged to give you more.

Lord Protector.] I have very little to ſay to you at this time, I confeſſe ſhall never be willing to deny, or defer thoſe things that come from the Parliament, to the ſupreme Magiſtrate, if they come in the bare and naked authority of ſuch an aſſembly as is known by that name, and are really the repreſentation of ſo many people as a Parliament of *England*, *Scotland*, and *Ireland* is ;I ſay it ought to have its weight, and it hath ſo, and ever will have with me, in all things a man is free in to anſwer deſires, as coming from Parliaments.---I may ſay that.---But in as much as the Parliament hath been pleaſed to condeſcend to me ſo far, to do me this honor, a very great one added to the reſt, to give me the advantage of ſo many members of theirs, ſo able, ſo underſtanding the grounds of things ;--- It is I ſay, a very ſingular honor and favour to me-- and I confeſſe,--- I wiſh I may, and I hope I ſhall do that becomes an honeſt man to doe, in giving an anſwer to theſe things, according to the deſire, that either I have, or God ſhall give me, or I may be helped by reaſoning with you unto ; and I did not indeed in vain allege conſcience in the firſt anſwer I gave, but I muſt ſay, I muſt be a very unworthy perſon, to receive ſuch favour, if I ſhould prevaricate when I ſaid things did ſtick upon my Conſcience, which I muſt ſtill ſay they doe. Onely I muſt ſay, I am in the beſt way that I can be for information, and I ſhall gladly receive it.

Here hath been divers things ſpoken by you to day,with a great deal of judgement, and abilitie ,and knowledge ; and I think the things, or the arguments, or reaſonings that have been uſed, have been upon theſe three accompts. To ſpeak to the thing ſimply, or in the abſtract notion of the title, and the poſitive reaſons upon which it ſtands ; and then comparatively, both in the thing, and in the foundation of it, what it is. To ſhew the goodneſs of it comparatively, it is alledged to be ſo much better than what is, and that is ſo much ſhort of doing the work that this will do. And thirdly, ſome things have been ſaid by way of precaution, upon arguments that are little from the thing, in the nature of it, but are conſiderations from the temper of the people of the nation, what will gratify them, which is ſurely conſiderable ; as alſo by way of anticipation of me in my anſwer, by ſpeaking to ſome objections that others have made againſt this thing.

Theſe are things in themſelves each of them conſiderable. To anſwer to objections I know is a very weighty thing ; and to make objections is very eaſie, and that will fall to my part, and I am ſure I ſhall, if I make them, make them to men that know ſo well how to anſwer them, becauſe they have in part received them from others, upon the debates already had. But upon the whole matter, I having, as well a I could, taken theſe things that have been ſpoken, (which truly are to be acknowledged by mee to be very learnedly ſpoken) I hope therefore you will give me a little time to conſider of them. When it may be your beſt time for me to return to you to meet you again, I ſhall leave that to your conſideration.

Lord Whitelock.] Your Highneſſe will be pleaſed to appoint your owne time.

Lord Protector.] On Monday at 9 of the clock I will be ready to wait upon you.

His Highneſs's anſwer at the conference at the committee at Whitehall, Monday, April 13, 1657.

I Think I have a very hard task upon my head, though it be but to give an accompt of my ſelf,---yet I ſee I am beſet on all hands here,---I ſay but to give an account of my ſelf, but it is in a buſineſſe that is very comprehenſive of others, in ſome ſenſe, to us, and as the Parliament have been pleaſed to make it, of all the intereſts of theſe three nations.

I confeſſe, I conſider two things. Firſt, To return ſome anſwer to the things that were ſo ably, and well ſaid the other day, on behalfe of the Parliaments putting that *title* in the inſtrument of ſettlement. I hope it will not be expected that ſhould anſwer to every thing that was then ſaid, becauſe I ſuppoſe the maine things that were ſpoken were arguments from ancient conſtitution, and ſettlement by the laws, in which I am ſure I could never be well skill'd, and therefore muſt ask the more pardon in what I have tranſgreſſed in my practice, or ſhall now tranſgreſſe through my ignorance of them in my anſwer to you.

Your arguments which I ſay were chiefly upon the law, ſeem to carry with them a great deal of neceſſarie concluſion, to inforce that one thing of *Kingſhip* ; and if your argument come upon me to

inforce upon the ground of neceſſity, why then I have no room to anſwer; for what muſt be, muſt be; and therefore I did reckon it much of my buſineſſe to conſider whether there were ſuch a neceſſity, or would ariſe ſuch a neceſſity, from thoſe arguments.

It was ſaid that *Kingſhip* is not a title but an office ſo interwoven with the fundamental laws of this nation, as if they could not, or well could not be executed, and exerciſed without, partly (if I may ſay ſo) upon ſuppoſed ignorance of the law, that it hath of any other title, it knowes no other, neither doth any other know it: the reciprocation is ſaid to be that this *title*, or *name*, or *office*, as you pleaſe to ſay ſuch, is underſtood in the dimenſions of it, in the power and prerogatives of it, which are by the law made certain, and the law can tell when it keeps within compaſſe, and when it exceeds its limits, and the law knowing this, the people can know it alſo, and people do love what they know, and it will neither be *pro ſalute populi*, nor for our ſafety, to obtrude upon them names that they do not, nor cannot underſtand.

It is ſaid alſo, that the people have been alwaies by their repreſentatives in Parliament, unwilling to vary names, for as much as has been ſaid before they love ſettlement. And there were two good inſtances given of that, the one in K. *James* his time, about his deſire to alter ſomewhat of the title, and another in the long Parliament, wherein they being otherwiſe rationally moved to admit of the word *Repreſentative* inſtead of *Parliament*, they refuſed it for the ſame reaſon. It hath been ſaid alſo, that the holding to this word doth ſtrengthen the ſettlement, becauſe it doth not any thing *de novo*, but reſolves things in their old currant: it is ſaid, it is the ſecuritie of the chief magiſtrate, and that it ſecures all that act under him: truly theſe are the principal of thoſe grounds that were offered the laſt day, ſo far as I do recollect.

I cannot take upon me to refel thoſe grounds for they are ſtrong and rational, but if I ſhall be able to make any anſwer to them, I muſt not grant that they are neceſſarily concluding; but take them onely as arguments, that they have perhaps much of conveniency and probability towards concluding; for if a remedy or expedient may be found that they are not neceſſary, they are not inevitable grounds; and if not neceſſary, and concluding, why then they will hang upon the reaſon of expediency, or conveniencie; and if ſo, I ſhall have a little libertie; otherwiſe I am concluded before I ſpeak. And therefore it will behoove me to ſay what I have, why they are not neceſſary concluſions: that they are not, that the title (I ſhould ſay) is not ſo interwoven in the laws, but that the laws may poſſibly be executed to equal juſtice, and equal ſatisfaction of the people, and equally to anſwer all objections as well without it, as with it; and then when I have done that, I ſhall only take the liberty to ſay a word or two for my own grounds; and when I have ſaid what I can ſay as to that, I hope you will thinke a great deale more than I ſay.

Truly though Kingſhip be not a title but a name of office that runs thorough the law, yet it is not ſo *ratione nominis*, but from what is ſignified, it is a name of office plainly implying a ſupreme authoritie; is it more, or can it be ſtretcht to more? I ſay it is a name of office plainely implying the ſupreme authority, and if it be ſo, why then I would ſuppoſe--- I am not peremptory in any thing that is matter of deduction or inference of my own. --- Why then I ſhould ſuppoſe, that whatſoever name hath been or ſhall be the name, in which the ſupreme authoritie ſhall act, why (I ſay) if it had been thoſe 4 or 5 letters; or whatſoever elſe it had been, that ſignification goes to the *thing*---certainly it does---and not to the *name*. Why then there can be no more ſaid, but this, why as this hath been fixt, ſo it may have been unfixt, and certainly in the right of the authority, I mean as a legiſlative power, in the right of the legiſlative power. I think the authority that could chriſten it with *ſuch* a name, could have called it by *another* name, and therefore it was but derived from *that*, And certainly they had the diſpoſal of it or might have had it, they might have detracted, or changed, and I hope it will be no offence to you, to ſay (as the caſe now ſtands) ſo may you, and if it be ſo that you may, why then I ſay, there is nothing of neceſſity in your argument, but conſideration of expedience of it. I had rather (if I were to chuſe) ---if it were the natural queſtion, which I hope is altogether out of the queſtion. —— But I had rather have any name from this Parliament than any name without it, ſo much doe I value the authoritie of the Parliament, and I believe all men are of my mind--- in that I believe the nation is very much of my mind, though that be an uncertain way of arguing what minde they are of.--- I think we may ſay it without offence (for I would give none) though the Parliament be the trueſt way to know what the mind of the nation is, yet if the Parliament will be pleaſed to give me a liberty to reaſon for my ſelf, and that *that* be made one argument, I hope I may urge againſt *that*, elſe I cannot freely give a reaſon of my own mind.

But I ſay undoubtingly (let us think what we will) what the Parliament ſettles is that which will run through the law, and will lead the thread of government through the land, as well as what *hath* been, conſidering that what hath been upon the ſame account, ſave that there hath been ſome long continuance of the thing, it is but upon the ſame account, it had it's original ſomewhere, and it was in conſent of the whole; there was the original of it, and conſent of the whole will, I ſay, be the needle that will lead the thread through all, and I think no man will pretend right againſt it, or wrong. And (if ſo) then under favour to me, I think all thoſe arguments from the law are (as

I ſaid before) not neceſſarie, but are to be underſtood upon the account of conveniency; it is in your power to diſpoſe and ſettle, and before, † we can have confidence that what you doe ſettle, will be as authentick as thoſe things that were before, (eſpecially as to the individual thing the name or title) upon parliamentary account. Why then I ſay there will be a way made (with leave) for me to offer a reaſon or two, to all that hath elſe been ſaid, otherwiſe I ſay my mouth is ſtopt. There are very many inforcements to carry on this thing, I ſuppoſe it will ſtand upon a way of expediencie and fitneſſe.

Truly I ſhould have urged one conſideration more that I had forgotten, and that is not only to urge the things for reaſon, but for experience, perhaps it is a ſhort one, but it is a true one, (under favour) and is known to you all in the fact of it (under favour) although there hath been no parliamentary declarations, that the ſupreme authoritie going in another name, and under another title than *King* ſhall be complyed with; why it hath been complyed with twice without it; that is, under the *cuſtodes libertatis Angliæ*, it hath ſince I exerciſed the place, and truly I may ſay that almoſt univerſall obedience hath been given by all the ranks and ſorts of men to both. And to begin with the higheſt degree of magiſtracy at the firſt alteration, and when that was the name, and though it was the name of an inviſible thing, yet the very name (though a new name) was obeyed, did paſſe for current, and was received, and did carry on the juſtice of the nation. I remember very well that my lords the judges were ſomewhat ſtartled, and yet upon conſideration,--- if I miſtake not--- I beleeve ſo--- there being of them, without reflection, as able and as learned as have ſat there--- though they did I confeſſe at firſt demur a little--- yet they did receive ſatisfaction, and did act, as I ſaid before: I profeſs it, for my owne part, I think I may ſay it ſince the beginning of that change--- I would be loath to ſpeak any thing vainly--- but ſince the beginning of that change unto this day--- I doe not think in ſo many years of thoſe that were called, (and worthily ſo accounted) halcion daies of peace in 20. *Eliz.* and K. *James*, and K. *Charles* time: I doe not think but that the lawes did proceed with as much freedome and juſtice, with leſs private ſolicitation either from that that was called then ſo, or ſince I came to the government--- I do not think (under favour) that the lawes have had a more free exerciſe; more uninterrupted by any hand of power, the judge leſs ſolicited by letters or private interpoſitions either of my owne or other mens, in double ſo many yeares in all thoſe times of peace. And if more of my lords the judges were here than now are, they could tell what to ſay, to what has been done ſince. And therefore I ſay (under favour) theſe two experiencies do manifeſtly ſhew that it is not a *title*, though ſo interwoven with the laws, that makes the law to have its free paſſage and doe its office without interruption, (as we think) but that if a Parliament ſhall determine that another name ſhall run through the laws, I beleeve it may run with as free a paſſage as this: which is all that I have to ſay upon that head.

And if this be ſo, then truly other things may fall under a more indifferent conſideration, and then I ſhall arrive at ſome iſſue to anſwer for my ſelfe in this great matter, and all this while nothing that I ſhall ſay doth any way determine againſt my reſolution or thoughts againſt the Parliament, but reallie and honeſtlie, and plainlie, conſidering what is fit for me to anſwer. The Parliament deſires to have this *Title*, it hath ſtuck with me, and yet doth ſtick, and truelie although I hinted the other day, that is, thought that your arguments to mee did partlie give poſitive grounds for what was to be done, and comparative grounds, ſaying that which you were pleaſed to doe, and I gave no cauſe for, that I know of, that is, to compare the effects of Kingſhip with ſuch a name as I for the preſent bear with Protectorſhip; I ſay I hope it will not be underſtood, that I doe contend for the name or anie name, or anie thing, but truelie and plainelie (I ſpeak as in the Lord's preſence) in all things for the right, as a perſon under the diſpoſal of the providences of God, neither naming one thing nor other, but onlie anſwering to this *Name*, or *Title*; for I hope I doe not deſire to give a rule to any bodie, becauſe I have profeſſed I have not been able,--and I have ſaid truelie,--I have not been able to give one to myſelfe. But I would be underſtood in this, I am a man ſtanding in the place I am in, which place I undertooke not ſo much out of the hope of doing any good, as out of a deſire to prevent miſchiefe and evill which I did ſee was imminent in the nation. I ſay wee were running headlong into confuſion, and diſorder, and would neceſſarilie run into blood, and I was paſſive to thoſe that deſired me to undertake the place which now I have,---I ſay not ſo much of doing good, which a man may lawfully, if hee deale deliberatelie with God in his own conſcience, --a man may, I ſay, lawfullie, if he deal deliberatelie with God and his own conſcience,---a man may lawfully, as the caſe may be---tho' the caſe is very tickle--- deſire a great place to do good in. I profeſſe I had not that apprehenſion, when I undertook the place, that I could doe much good, but I did thinke that I might prevent imminent evill; and therefore I am not contending for one name compared with another, and therefore have nothing to anſwer to any arguments that were uſed in giving preference to Kingſhip or Protectorſhip; for I ſhould almoſt thinke that any name were better than my name, and I ſhould altogether think that any perſon fitter then I am, for any ſuch buſineſs: and I complement not (God knows it) but this I ſhould ſay, that I doe thinke from my very heart, that in your ſettling of the peace and liberties of this nation, which cries as loud upon you as ever nation did, you ſhould look for ſomewhat that may beget a conſiſtance: otherwiſe

† That is, before the Settlement.

wiſe the nation will fall to pieces; and in that as far as I can I am ready to ſerve, not as a King, but as a conſtable: for trulie I have, as before God, thought it often, that I could not tell what my buſineſs was, nor what I was in the place I ſtood, ſave comparing it with a good conſtable, to keep the peace of the pariſh. And truly this hath been my content and ſatisfaction in the troubles that I have undergone, that yet you have peace. Why now truelie (if I may adviſe) I wiſh to God you may but be ſo happy as to keepe peace ſtill; if you cannot attain to theſe perfections, as to do this; I wiſh to God we may have peace (that do I) but the fruits of righteouſneſs are ſhown in meekneſſe---a better thing than we are aware of.

I ſay therefore I do judge for my ſelfe, there is no ſuch neceſſity of the thing, for the other names may do as well. I judge for my ſelfe. I muſt ſay a little, I think, I have ſomewhat of conſcience to anſwer as to this matter, why I cannot undertake this *name*. Why truly I muſt needs go a little out of the way to come to my reaſons, and you will be able to judge of them, when I have told you them, and I ſhall deal ſeriouſly, as before God.

If you do not all of you, I am ſure, ſome of you do, and it behoves me to ſay, I know my calling from the firſt to this day. I was a perſon, that from my firſt employment was ſuddenly preferred and lifted up from leſſer truſts to greater, from my firſt being a captain of a troop of horſe, and I did labour (as well as I could) to diſcharge my truſt, and God bleſſed me as it pleaſed him, and I did truly and plainly, and then in a way of fooliſh ſimplicity (as it was judged by very great and wiſe men, and good men too) deſired to make uſe of my inſtruments to help me in this work; and I will deal plainly with you.

I had a very worthy friend then, and he was a very noble perſon, and I know his memory was very gratefull to you all, Mr. *John Hambden*. At my firſt going out into this Engagement (I ſaw) their men were beaten at every hand---I did indeed---and deſired him that he would make ſome additions to my lord *Eſſex*'s army, of ſome new regiments, and I told him I would be ſerviceable to him, in bringing ſuch men in, as I thought had a ſpirit that would doe ſomething in the work---this is very true that I tell you, God knowes I lie not---Your troops, ſaid I, are moſt of them old decayed ſervingmen and tapſters, and ſuch kind of fellows; and, ſaid I, their troops are gentlemens ſonnes, younger ſonnes, and perſons of quality. Doe you thinke that the ſpirits of ſuch baſe and meane fellows will bee ever able to encounter gentlemen, that have honour, and courage, and reſolution in them---Truely, I preſented him in this manner conſcienciouſly---and truly I did tell him, you muſt get men of a ſpirit---and take it not ill what I ſay, I know you will not---of a ſpirit that is likely to goe on as far as gentlemen will go, or elſe I am ſure you will be beaten ſtill---I told him ſo, I did truly---He was a wiſe and worthy perſon, and he did think that I talked a good notion, but an impracticable one---Truly I told him I could doe ſomewhat in it---I did ſo---and truly I muſt needs ſay that to you (impute it to what you pleaſe) I raiſed ſuch men as had the fear of God before them, and made ſome conſcience of what they did, and from that day forward, I muſt ſay to you, they were never beaten, and where ever they were engaged againſt the enemy they beat continually; and truly this is matter of praiſe to God, and it hath ſome inſtruction in it to our men that are religious and godly, and ſo many of them as are peaceable, and honeſtly, and quietly diſpoſed to live within government, as will be ſubject to thoſe goſpell rules, of obeying magiſtrates, and living under authority---I reckon no godlineſſe without this circle: but without this ſpirit, let it pretend what it will, it is diabolicall, it is deviliſh, it is from diabolical ſpirits, from the height of *Jathan*'s wickedneſſe; why truly I need not ſay more than to apply it thus.

I will be bold to apply this to this purpoſe, becauſe it is my all,---I could ſay as all the world ſayes, and run headily upon any thing;—I muſt tender this to you, as a thing that ſwaies with my conſcience, or elſe I were a *knave* and a *deceiver*— I tell you there are ſuch men in this nation, that godly men of the ſame ſpirit, men that will not be beaten down with a worldly nor carnall ſpirit, while they keep their integritie— I deal plainly and faithfully with you, that I cannot thinke that God would bleſſe in undertaking of any thing that will juſtly and with cauſe grieve them, that they will be troubled without cauſe; I muſt be a *ſlave* if I ſhould comply with any ſuch humour; I ſay that are honeſt men, and faithfull men, and true to the great things of the government; to wit, the libertie of the people: giving them that is due to them, and protecting this intereſt, I think verily God will bleſſe you for it;—but if that I know (as indeed I doe) that very generally good men doe not ſwallow this title, (though really it is no part of their goodneſſe to be unwilling to ſubmit to what a Parliament ſhall ſettle over them) yet I muſt ſay, that it is my dutie and my conſcience to beg of you, that there may be no hard things put upon me. Things I mean hard to them that they cannot ſwallow. If the nation may as well be provided for without theſe things that I have pointed to you, as, according to my apprehenſion, it may, I think truly it will be no ſin in you, it will be to you as it was to *David* in another caſe, no grief of heart to yours, that you have a tenderneſſe, even poſſibly, if it be their weakneſſe, to the weakneſſe of thoſe that have integritie, and honeſtie and uprightneſs, and are not carried away with the hurries that I ſee ſome are, who think that their virtue lies in deſpiſing authority, and oppoſing it. I think you will be the better able to root out of this nation that ſpirit and principle, (and it is as deſirable as any thing in this world) by complying, indulging, and being patient to the weakneſs and infirmities of men that have been faithfull, and have bled all along in this cauſe,

and

and are faithfull, and will oppoſe all oppoſitions--- I am confident of it---to the things that are the fundamentals in your government, in your ſettlement for civil and goſpel liberties.

I confeſſe, for it behoves me to deal plainly with you--I muſt confeſſe I would ſay--I hope I may be underſtood in this--for indeed I muſt be tender, what I ſay to ſuch an audience as this is---I ſay I would be underſtood, that in this argument I do not make a parallel between men of a different mind and a Parliament which ſhall have their deſires, I know there is no compariſon. Nor can it be urged upon me, that my words have the leaſt colour that way, becauſe the Parliament ſeems to give libertie to me to ſay any thing to you, as that that is a tender of my humble reaſons, and judgement, and opinion to them. And if I think they are ſuch, and will be ſuch to them, and are faithful ſervants and will be ſo to the ſupreme authoritie, and the legiſlative whereſoever it is, if, I ſay, I ſhould not tell you, knowing their minds to be ſo, I ſhould not be faithfull, if I ſhould not tell you ſo, to the end you may report it to the Parliament.

I will ſay ſomething for my ſelf,—for my own minde, I do profeſſe it, I am not a man ſcrupulous about words or names or ſuch things.—I am not--but as I have the word of God, and I hope I ſhall ever have, for the rule of my conſcience, for my informations, ſo truly, men that have been led in dark paths, through the providence and diſpenſation of God, why, ſurely it is not to be objected to a man, for who can love to walk in the dark? but providence doth often ſo diſpoſe. And though a man may impute his own folly and blindneſſe to providence ſinfully, yet it muſt be at my perill: the caſe may be, that it is the providence of God that doth lead men in darkneſſe; I muſt needs ſay, I have had a great deal of experience of providence, and though it is no rule without or againſt the word yet it is a very good expoſiter of the word in many caſes. Truly the providence of God hath laid aſide this *Title* providentially *de facto*, and this not by ſuddain humour or paſſion, but it hath been by iſſue of as great deliberation as ever was in a nation, it hath been the iſſue of 10 or 12 years civil war wherein much blood hath been ſhed. I will not diſpute the juſtice of it, when it was done, nor need I now tell you what my opinion is in the caſe, were it *de novo* to be done, but if it be at all diſputable, and that a man comes and finds that God in his ſeverity hath not onely eradicated a whole family, and thruſt them out of the land for reaſons beſt known to himſelf, and hath made the iſſue and cloſe of that to be the very eradication of a name or *title*--which *de facto* it is,--it was not done by me, nor by them that tendered me the government, that now I act in, it was done by the long Parliament,—that was it,—and God hath ſeemed providentially not only to ſtrike at the family, but at the *name*, and, as I ſaid before, *de facto* it is blotted out, it is a thing caſt out by act of Parliament, 'tis a thing that hath been kept out to this day, and (as *Jude* ſaith in another caſe) ſpeaking of abominable ſins that ſhould be in the latter times, he doth likewiſe when he comes to exhort the Saints, he tells them that they ſhould hate even the garments ſpotted with the fleſh. I beſeech you think not, that I bring this as an argument to prove any thing, God hath ſeemed ſo to deal not only with the perſons, and with the family, but he blaſted the title. And you know when a man comes (*a parte poſt*) to reflect, and ſee this is done, and laid in the duſt, I can make no concluſion but this, they may have ſtrong impreſſions upon ſuch weak men as I am, and perhaps, upon weaker men (if there be any ſuch) it will be ſtronger, *I will not ſeek to ſet up that which Providence hath deſtroyed, and laid in the duſt, and I would not build* Jericho *again*, and this is ſomewhat to me, and to my judgment and conſcience—that is true,—it is that that hath an aw upon myſpirit, and I muſt confeſſe as the times are,—they are very fickle,--very uncertain,--nay (God knows) you had need have a great deal of faith, to ſtrengthen you in your work--and all aſſiſtance,--you had need to look at ſettlement,--I would rather I were in my grave, than hinder you in any thing, that may be for ſettlement of the nation; for the nation needs, and never needed it more, and therefore out of the love and honour I bear you, I am for ever bound to doe, whatever becomes of me, I am ever bound to acknowledge you have dealt moſt honourably and worthily with me, and lovingly, and had reſpect for one that deſerves nothing,—indeed out of the love and faithefulneſſe I bear you, and out of the ſence I have of the difficulty of your works, I would not have you to loſe any help that may ſerve you, that may ſtand in ſtead to you, but would be a ſacrifice that there might be (ſo long as God ſhall pleaſe to let this Parliament ſit) a harmony, and a better, and good underſtanding between all of you--and (whatſoever any man thinks) it equally concerns one man as another to goe on to ſettlement, and where I meet with any that is of another minde indeed I could almoſt curſe him in my heart. And therefore to the end I may deale heartily, and freely, I would have you loſe nothing that may ſtand you inſtead in this way. I would adviſe you, that if there be any of a forward and unmannerly, or womaniſh ſpirit, I would not have you loſe them. I would not that you ſhould loſe any ſervant or friend, that may help in this work that they ſhould be offended by that that ſignifies no more to me than as I told you, that is, I doe not think the thing neceſſary,—I doe not,—I would not that you ſhould loſe a friend for it: if I ſhould help you to many, and multiply my ſelfe into many, I would be to ſerve you in ſettlement, and therefore would not that any, eſpecially any of theſe that indeed perhaps are men that do think themſelves engaged to continue to you, and to ſerve you, ſhould be any wayes diſobliged from you.

The truth is, I did make that my concluſion to you at the firſt, when I told you what method I would ſpeak to you in--I may ſay that I cannot with conveniency to my ſelfe, nor good to this ſervice that I wiſh ſo well to, ſpeak out all my argu-

ments in order, to ſafety, and in order, in tendency to an effectual carrying on of this work,---I ſay, I doe not think it fit to uſe all the thoughts I have in my mind, as to that point of ſafety, but I ſhall pray to God Almighty, that he would direct you to do what is according to his will, and this is that poor account I am able to give of my ſelfe in this thing.

April the 16. (*Whitlocke's* Memoirs the 13th)

Lord chief Juſtice Glynne.

THE name and office of King is eſſential to ſettlement. *Firſt*, Becauſe it is known to the law, his duty known in reference to the people, and the people's duty known in reference to him, this cannot be tranſmitted to another name, without much labour, and great hazard, if it may at all. To go by individuals, and reckon up all the duties, and powers that a King by our laws hath in reference to his truſt towards the people, and the duty of the people towards him is a work of ſo great labour, that it would require months, yea years, if not ages.

Secondly, To apply its relative, *talis qualis*, would introduce theſe difficulties. Firſt, it would be a new thing, how it would prove is but gueſs'd, and as it's the foundation ſtone, it's unſafe to put it to a hazard, when you have a ſafe one. Secondly, thoſe certainties and ſecurities that accompanie that title are incident by the ancient laws and cuſtomes of the nations, and that which the other office can have, are introductive, and given him *de novo* from this parliament. This claims them as its ancient inheritance, that can claim but by a new title of purchaſe.

Thirdly, The people and your Highneſſe loſe the beſt title, both to their libertie, and your rights, which is the *Law*, *Ancient Cuſtome*, and *Uſage*, and claim it only upon the ſtrength of the Parliament; but if you take it as a King, you have the ſtrength of both.

Fourthly, If you aſſume any other name, and have the rights given you by parliament, it may ſeem as if the people had loſt their ancient rights, and had need of new ones to be created by this parliament.

Fifthly, The aſſumption of the title of King, is, without need of any other authority, to protect the people and bind the people to obey you.

Sixthly, If you ſhould take the name of *Protector*, or any other new title, whatſoever authoritie is applied thereto, is but grafting upon a ſtock that is new, and doubtful whether it will bear the fruits well, and ſtill liable to former objections without doors.

Seventhly, If you take the title of King, the worſt affected cannot object againſt your authority, or at all againſt the parliament as the donor.

Maſter of the Rolls.] It is certaine that all governments in themſelves may be good, for none is *malum in ſe*, but the rule that hath alwaies been obſerved, is that the moſt neceſſary and prudent courſe to governe a nation muſt be taken from that proportion which is moſt ſuitable to the nature and diſpoſition of the people that are governed. If this be the generall rule alwaies in the world, we may well draw this argument both from an abſolute neceſſity, and *ex neceſſitate conſequentis*; alſo the chief governour in a ſettled government, being obliged to doe for the good of the people, not onely *quoad bonum ſed quoad optimum*. Then the conſideration that will follow properly here will be, whether the name *King*, which in the judgment of the law, implies the office, be not the beſt government for the peoples ſafety, both *ex neceſſitate cauſæ, & ex neceſſitate conſequentis*. To explaine this it muſt be premiſed, that when we ſpeak of *King*, wee muſt take the difference, betweene the perſon dignified with the *name*, and the *name* itſelfe; for this muſt be taken for a ſure ground, the word *King* is a name, as it is a word which the law doth look upon, ſo it hath it's proper *baſis*, and foundation upon the law, and is as ancient as the law is; now, the perſon of the *King* is a name that hath its dignity and foundation from the word *King* as *ex neceſſitate conſequentis*, becauſe, in reaſon, a man muſt bee uſed to exerciſe that authority which proceeds from that name.

Theſe things being very cleere by the fundamentall grounds of the law, if then we examine the foundation of things, according to the rules of the law, it is manifeſt that the name *King*, the *Lawes*, *Rights*, *Properties*, and *Liberties* of the people, and alſo *Parliaments* themſelves have but one foundation, the originall preſcription, and ancient cuſtomes, that is cuſtome time out of minde; ſo that in the judgement of the law, the three, the *King* the *Law*, and the *Parliament* are the parties of the government of this nation, which having the *baſis* and foundation from preſcription, create this forme of government in this nation; which is not a forme in the vulgar acceptation of the word (*Forme*) but it is the Forme of government ſettled in this nation that is of the eſſentiall part, and here by the law *Forma dat eſſe*. Then to me, it is an impoſſible thing that any act of Parliament, even without a deſtruction to the eſſentiall part of the government, can place that office in another name (bee what it will) which naturally wants the foundation and ground of that power and office which that name hath.

Firſt. Becauſe the alteration deſtroyes the foundation, which is preſcription, and annexes* it to a name that the law of the land hath no acquaintance with.

Secondly. It ſets all lawes, liberties, and what is dear to us upon a new foundation, as to the people; for whatſoever is created by an act, cannot have life and authoritie, but from that act, and ſhall never looke back to the firſt originall conſtitution; and it takes from the people, the rules and grounds which they have known by experience, and ſends them to ſeek them in a power of which no wit of man can ſuddenly apprehend the bounds and limits, when ſo many doubts may ariſe, even in

* That is, the office.

in the old foundation, which experience and time hath excellently refined.

From theſe grounds, I may ſafely ſay, that there never was but one *King* in *England* from the firſt foundation of *Kingſhip*, and can ſafely conclude there never will be more, though there have been many, and more I hope will be, whoſe perſons exerciſe that office: for the law doth poſitively affirm the *King* never dies, and the reaſon is becauſe its originall is grounded upon the ſame foundation, which is ſo conjoyned together, that no death can make a partition; and the difference is, the *King* dies, but the *name* and *thing* hath in a vulgar ſenſe a kind of an immortality. If we conſider the continuance of the word and perſon that is inveſted with that name by the judgement of the law he is not ſaid to die, but to deviſe, which is to depoſite, and to lay up the name and title of the *King*.----indeed to depoſite it in another hand.---All which proceeds in judgements of law, *ex neceſſitate conſequentis*, and from the neceſſary inconveniences and miſchiefs that may ariſe to the people, by *inter-regna*, and by other conſequences, that would be too long to relate, there is a famous example in 1 *Hen.* vii.

The common ground that is taken is the acceſſion of the office and dignity to the perſon, but the true ground is the name, and the office is become part of the body of the law, which ſhould puniſh the offences which were committed againſt it, which doth prove both the neceſſity of the name, and the neceſſarie relation there is between the name and the law, and it is a neceſſary deduction that the name *King* is the thing wherein the office and power is placed, and therefore not practicable by any ſtatute or act of Parliament, to divide the power and office from the name, and transfer that power without the name; the word *King* hath ſuch eſſentiall reference to the law, that it never looks to the perſon to make that the ground of the eſſence: but if it had the name the law was ſatisfied, and therefore it never examined the right of the perſon, how he *became* inveſted with the power, but *de facto* whether he were or not; and if ſo, whether *de facto*, or *de jure*, it hath the ſame influence upon the peoples right, and the ſame advantages to the chief governor.

There is alſo another reaſon why the office cannot be annext to another *name*, either by act of Parliament or otherwiſe, for in any other *name* you muſt ſuppoſe the *office*, the *King*, ſo that any other name is but a fiction in reſpect of the right name, and that would be very dangerous, both to the laws and to the propertie, to lay the *baſis* and foundation upon a fiction, which was a reaſon that ſome of the judges forbare to act upon the name of *Cuſtos libertatis Angliæ*, *&c.* and for the ſame reaſon upon the other name. It may be urged alſo that this petition and advice was matter of right not of grace which was never denied by any prince in this nation, nor can it be, becauſe there is an obligation in all caſes to do *right*, and this obligation is upon the *Protector* whilſt he takes upon him the chief magiſtracy.

In the margin of this ſpeech were the following inconnected ſentences; whether they were heads that had been ſpoken to, and not fully taken down by the ſhort-hand writer, or hints in Mr. *Lentball's* own writing, which he intended to enlarge upon, does not appear.

The objections of the government *now*, and of the government under the *Keepers of the Liberties*, and the quietneſſe under both of them.

1. *The difficulties in making.*
2. *The grounds why the judges acted, though ſome refuſed.*
3. *That upon debate when inconveniences were ſet forth, upon theſe grounds another Parliament might change and the like.*
4. *To the government, the diſlike of the people, how ſome diſreliſh this now ſet up.*
5. *The Laws did proceed farr, when the* ordinary proceſs *diſobeyed.*
6. *A good Army to help us.*
7. *The ground and reaſon of the warr was againſt the perſon: for the breach of truſt in his departure againſt his firſt promiſe in parliament, upon the petition of the Speakers, &c. and was not againſt the office but againſt breach of truſt in that office, by the abſence of the perſon.*

Colonel Jones,] May it pleaſe your Highneſſe, I am unwilling to ſpend the time in ſpeaking after thoſe two learned and honourable perſons that ſpake laſt, and therefore ſhall endeavour in what I have to ſay to thoſe doubts you were pleaſed to make when this committee had the honour laſt to attend you, to be as brief as may be. Your Highneſs was pleaſed then to ſay, that though the arguments brought to the maintenance of the title *King*, in the petition preſented to you by the Parliament were weighty, yet in your anſwering them you muſt not grant them neceſſary concluſions, but take them as having much of conveniency and probability towards concluding; for if any expedient may be found, they are not then neceſſary. And you were pleaſed to tell us that though *Kingſhip* be not a title, but an office interwoven in our laws, yet it is not ſo *ratione nominis*, but from what it ſignifies, that being a name of office plainly implying the ſupream magiſtrate, and therefore whatever name it be, wherein the ſupreme magiſtrate reſides, the ſignification will give the thing, and not the name. And ſeeing this title had a commencement, and alſo hath been unfixed, why may not a new one now commence and be now fixed by the legiſlative authority, and thereby be made to run through the law, as well as the title *King?* from whence it may be inferred this title is not neceſſary.

But it may pleaſe your Highneſſe, if it be conſidered what is the intention of the Parliament in this their humble addreſſe to you, that it is a *Settlement*, it would then be likewiſe conſidered, whether a new name will not be found in this caſe to make a new office alſo, and whether then the novelty thereof will not hazard it or fruſtrate that great end of ſettlement, the Antiquitie and tryall of laws being that which doth beget the greateſt reverence and ſatisfaction of them in the people. And that the change of the name makes it a new office will appear both in reſpect of his authority, who bears the office, and in reſpect of the peoples obligation in matter of obedience to that new officer; for by the ancient law he cannot claim ſubjection from them, nor can the people therefore claim protection from him, the ſtrength then of the ſettlement, and of their rights and liberties, as farre

as they relate to this new ſupream magiſtracy, will reſt upon a new and untried conſtitution, and his authority upon the ſame foundation.

The wiſdome of our anceſtours, even in leſſer matters when they introduced a new law, made it for the moſt part a probationer only: and I may humbly ſay, we have now ſome yeares been making probationaries of new governments, and therefore the Parliament finding the people not yet ſettled with any of them, return to that which by long experience and cuſtome hath been found to ſuit with their mindes, and rights, the people having not the ſame ſatisfaction nor acquieſcence in any new thing which they have in long-approved laws, and cuſtomes; a new thing being in it ſelf uncertain, not onely whether it will prove good or not, but alſo in this caſe, in reſpect that one main property of the ſettlement being a co-ordinate power, depends upon it, and will be ſubject to be controverted whether one co-ordinate is well put up by another, or may not by the like power that ſets it up be pulled down again, which cannot but leave mens minds as doubtful of ſettlement as ever; things, uncertain and diſputable, naturally carrying unſettlement with them. Time and experience hath grafted this *name* and *office* in the minds of the people, and that (as I ſaid already) begets reverence and ſatisfaction in their minds. Alſo they were the exorbitances of the office (which in great meaſure this petition provides againſt) that were complained of, and not the *office* and *name*, which are founded upon the ancient laws; the altering of either alters the conſtitution, and layes it upon a foundation leſſe certain, and eaſier to be ſhaken; and therefore to take up the office without the title will be to take it up with all the objections of ſcandal or others which it is ſaid to be liable to, and yet to want the ſupport of the ancient laws it carries with it, and the advantages of ſatisfying and ſettling the mindes of ſuch of the people of theſe nations, as by the conſideration of novelties, and what in this caſe attends it, will otherwiſe reſt doubtful and unſettled. Theſe are ſome of the grounds I obſerved in the debate of the Parliament, to induce them to judge this *title* not onely *expedient*, but in reſpect of ſettlement *neceſſary*.

Your Highneſſe was pleaſed to object alſo the diſſatisfactions of good men which you judged in things indifferent were to be conſidered. They are ſo, and it hath been ſo judged by the Parliament, who manifeſted great tenderneſſe in that kind, and I hope ever will: but in this matter found by the Parliament not to be indifferent, but neceſſary for the ſettlement of theſe nations, they hope that wherein good people have not already been ſatisfied, they will endeavour for ſatisfaction: and it is to be hoped that when the matter of this petition ſhall be made more publick, they will find ſuch care and proviſion made for good men, and of good things, that will certainly give them ſatisfaction. I think I may ſafely ſay, ſuch a poſitive proviſion for their liberties and encouragement hath not been found under any former *King*, nor any other form of government, to which your Highneſſe hath been pleaſed your ſelf to give that teſtimony; ſo that it is not *Kingſhip* alone, as formerly, the Parliament adviſeth your Highneſſe unto, but to the office with ſuch a proviſion made for the intereſt of good men; and if then your Highneſſe (of whoſe faithfulneſſe to their intereſt, good people have received ſuch ample teſtimony) will be pleaſed to conſent to this petition of the Parliament, an authority alwayes of no ſmall eſteem and reverence with the beſt men, I doubt not but when it is done they will chearfully acquieſce, though while it is doing they may have ſcruples.

For that of providence laying aſide the *Title*, I think the argument thence will be as cogent againſt the office it ſelf, and againſt government by a ſingle perſon under any title, the acts of Parliament mentioned are as expreſsly againſt the one as the other; and therefore the exerciſe of the ſupream power by a ſingle perſon under any *title*, is as much a contradiction to providence and theſe acts of Parliament as the exerciſe thereof under the *title* of a *King*: But certainly the laying aſide of a thing *de facto*, though indeed it be an act of providence, yet it cannot be conſtrued, that the intendment of that providence is finally to lay it aſide, never to be reaſſumed again: the conſequences of ſuch a poſition are many and may be dangerous, for what by that rule is not to be laid aſide?

I remember here an objection made, by your Highneſſe in another place which I had almoſt forgotten, which was that we did enjoy our laws, and that the juſtice was freely adminiſtred under ſeveral changes and titles, as that of the *Keepers of the Liberty*, and the title your Highneſſe now bears. To which I humbly anſwer, that if ſo, it may be ſaid, thanks are rather to be given to the perſons into whoſe hands the power fell, than to the conſtitutions. However I crave leave to ſay this, that changes imply not a ſettlement, and ſince providence led us from our old conſtitution, we have in a few years had four or five changes, and that theſe changes have not been accompanied with more hazards, it is a matter of praiſe to the Lord, and of commendation to the powers, we have been under, but if one providence hath laid aſide *Kingſhip*, another led it in, and calls upon you to take it up: and it is to me a remarkable thing, that providence hath caſt it under ſuch conſtitutions and laws, as that when we have thrown out the tyrant that oppreſſed us in our ſpiritual and civil rights, we can by our ancient laws graft another in, that may be a fit inſtrument to preſerve both; who (as the learned perſon that ſpoke laſt ſaid) may make it up as it were but one *King* this 500 years, the law not admitting an *inter-regnum*. From whence I inferre, that as it was not the end of our warre, as appears by ſix or ſeven declaraons of Parliament, one whereof was ordered to be read in all Churches, ſo providence led us not to lay aſide either the *Name* or *Office*, but that family which oppreſſed us. Then all mens lives and liberties

berties depend upon this ſettlement, it is neceſſary then to lay it on the ſtrongeſt foundation.

And as for that of ſafety, it is not for me to ſpeak much to it, but certainly it is to be hoped, that as the Parliament adviſes your Highneſſe to things honeſt and lawful, and by them judged neceſſary for a good ſettlement, and therein takes care and provides for our rights as men and Chriſtians, and your Highneſſe thereunto conſents, all dangers, by God's bleſſing upon your Highneſſe wiſdome, and backed with ſuch authority and an army under the conduct of ſo many religious and faithful perſons, ſo well principled to the obedience of lawful powers, may be prevented. And therefore I humbly hope God will incline your Highneſs to grant the petition and advice of the Parliament.

Sir Richard Onſlow.

AS *to the Lord Protector's firſt Objection* that the title of *King* is a name of office, and any other name which may imply the ſupreme magiſtrate hath the ſame ſignification, and therefore no neceſſity of the name.

Anſwer. Every office ought to have a name adequate to the ſaid office, and no other name than *King* can be ſuitable and comprehenſive enough to contain it in the common good to all intents and purpoſes.

It is a rule, that the Kings of *England* cannot alter the lawes of *England*, *ratione nominis*, but is bound to govern according to the lawes of *England*, but for anie other name, there is no obligation lies upon it,

That the verie title is neceſſarie was declared in the 9. year of *E.* iv. when the great controverſie was betwixt *E.* iv. and *H.* vi. that ſometimes one was in poſſeſſion and then another, that it was neceſſarie the Realme ſhould have a *King* under whom the lawes might be maintained and holden: for everie action done by the *King* in poſſeſſion was valid and good, for it was his juriſdiction royall. So likewiſe the 1ſt and 3d. of *H.* vii. the ſame opinion was held and declared, that a *King de facto* was neceſſarie; ſo in all alterations from perſons and families, yet our anceſtors alwayes retained the *title* and the *name*.

There is a *prius* and a *primum*, another name may in order and degree be firſt, that is, before other men, but it was a *King* was *primum*, the firſt name that had its beginning with our lawes.

The cuſtomes of *England* are the lawes of *England*, as well as our ſtates lawes. The title of *King* and *Cuſtome* are two twins born together, and have had continuance together, and therefore to ſay *Protector*, of which we know the date, with *Cuſtom* (of which no memorie can ſpeak) is a kind of contradiction to the originall.

Then there muſt be a law introductive, becauſe *Protector* is a new name that our law doth not yet know. Now to ingraft a young ſcion upon an old ſtock it will never grow, but there muſt be an eradication of the old root and a new plantation muſt be made, and all the old cuſtomes muſt be put into poſitive lawes, and that will be a thing conſiſting of much time and great difficulty.

The title of *King* is ſo incorporated, and in conjunction with our *cuſtomes* which doe very much concern the people of *England* to be upheld, and then there is a rule *Quæque res in conjunctione pro bono conjunctionis*, that ought to be done which is for the good of the conjunction and benefit thereof, and if it be for the advantage of the ſingle perſon and the people; it brings me to mind another rule my old Maſter *Tully* taught me, *Communis utilitatis derelictio contra naturam eſt*, it is not naturall to decline that which is for a common benefit and utilitie.

And therefore I ſhall ſay but this as to the title, that as the patriarch *Jacob* joined together in his bleſſing upon *Judah* the law-giver and ſcepter, ſo the Parliament of the three nations deſires to preſerve the title *King* in and upon the *law*.

2. *Objection.* Another argument your Highneſſe was pleaſed to draw from providence, that had brought you to this place through much darkneſs, and had ſeemed to lay this title aſide of *King*.

Anſwer. It becomes all men to acknowledge the acting of the providence and power of God for bringing to paſs whatſoever he hath determined in the world, and it is the mighty and wiſe hand of providence which triumphs over nations, and overthrows and treads down all oppoſitions: yet your Highneſſe obſerves, it is not a rule to walk by without the word; the reaſon, the cauſes are hidden in the ſecret council of God's will; you may ſee in the *Revelations*, the book is ſealed up with ſeven ſeals, we read what is paſt, becauſe it is written on the out-ſide of the book, but what is to come we cannot read, and we ought not to limit providence, nor can we bound it with a *no further*.

3. *Objection.* This ſtate hath by providence received ſeverall changes, great ones from the former conſtitution, that of the *Keepers of the liberties of England* and this preſent government, under the title of *Protector*: And the firſt ſeemed to be the reſult of ſeven years war againſt the *title* and the *family*.

Anſwer. It muſt be confeſſed it proved the event of ſeven years war, but the reaſons of the war did not lead to it, for the war was for *King* and *Parliament* for the *office*, *againſt* the perſon, againſt the exorbitancy and irregularities in his government.

4. *Objection.* But it was providence that took away at that time both the *office* and the *family*.

Anſwer. And it was alſo providence that altered that of a *Republick*, to this of a *Protector*; that act being as much againſt *Protector* as a *King*, for it was againſt a *ſingle perſon*.

And may not, by the ſame ſeries of providence, this Parliament as well ſet up kingly government, as that Parliament took it away, having alſo the ſame power they had?

5. *Objection.* Another ground why your Highneſs would not accept of the *Title* was, the diſſatisfacti-

on many perſons, who had been inſtrumentall in carrying on the work, have againſt that title.

Anſwer. In everie change of government there were, and ſtill will be, perſons unſatisfied, becauſe men are of mixt intereſts and differing in judgment. Upon the change to a Republick, thoſe that conceived the monarchicall government beſt, were unſatisfied: but all ought to ſubmit and be concluded by the judgement of a Parliament.

Your Highneſs was pleaſed to ſay that neither your ſelf nor thoſe that tendred to you the inſtrument were authors in the firſt change, but it was the long Parliament, ſo that I may conclude, they were not engaged for that government by *King*.

It hath been indeed the honour of the ſouldiery that in all theſe changes they have ſtill followed providence, and have acquieſced, acting and living in practicall conformity; but I wiſh they would be ſatisfied, for their love-ſake to us, and their labours for us. High ſhould his reward be in heaven, and happie his remembrance on earth, that would be the means of ſuch an accord, but to ſatisfie all men ſo divided as we are would be no leſs than a wonder. I ſhall ſpeak in a parable in the 27. chap. of *Ezekiel* verſ. 19. the Lord ſaid to the Prophet. *Take two ſticks, write upon one ſtick for* Judah *and the children of* Iſrael *companions, and take the other ſtick and write upon it for* Joſeph *the ſtick of* Ephraim *for all the houſe of* Iſrael *his companions, and join theſe two ſticks in one ſtick, and they ſhall become one in thy hand, theſe are the two nations of* Iſrael *and* Judah, *two diſtant and differing names, but they ſhall come under one King, and* David *ſhall be their King*, thus they were united.

6. *Objection.* Juſtice hath been as well adminiſtred and as free from ſollicitations under theſe changes as before.

Anſwer. You were pleaſed to ſay you undertook that charge to preſerve from confuſion, which indeed is the worſt of evil, and the ſame reaſon might prevail with judges, and other magiſtrates to execute juſtice, and give to men their rights, which is ſo deſirable to all men and of abſolute neceſſity.

Juſtice may be compared to the water in the ſpring, if kept from its natural channell it will break its way through the bowels of the earth. Nature ſometimes may ſuffer violence: there is a peace in a ceſſation to war, and there is a peace, which, in the regard of the diſtraction, may be termed but an intermitting peace, for your Highneſſe is pleaſed to acknowledge that the people call for a ſubſiſtery and cry aloud for ſettlement, from which, under favour, I may infer, that as yet there is no ſettlement ſo well ſettled as to be accounted perfect and good.

Your Highneſſe is pleaſed to declare you had rather take a *Title* from this Parliament, than any title from any other place or without it.

The Parliament of *England* is the womb of the commonwealth and in that womb there hath been a conception and ſhape, and proportion, and form, and life, and growth as far as the navel could nouriſh; there hath been alſo a delivery and a name given, there hath been *conceptio*, *conceptus*, *partus & opus*, and it hath been a great work to bring us to this delivery, it is therefore the humble advice of the Parliament that your Highneſſe would be pleaſed to make it ſpeak the *Engliſh* tongue.

Lord Com. Fines.] Your Highneſſe the other day laid down as a ground of your enſuing diſcourſe this poſition, that there was no neceſſity of the name and title of *King*; upon which foundation your Highneſſe ſeemed to build the arguments and reaſons of your Highneſſe diſſatisfaction, as to the *name* and *title*, and that in ſuch ſort as the matter is now circumſtantiated and ſtated by your Highneſſe own ſelf, that there is a neceſſity either in the affirmative or negative. If it be not neceſſary that the name be aſſumed, it is of neceſſity to be declined, and if no neceſſity to decline it, then there is a neceſſity to aſſume it: for although the nature of the thing be itſelf ſuch as poſſibly may admit a latitude of argument upon the point of expediency and inconveniency, and that we are not ſhut up under an abſolute neceſſity either the one way or the other, yet the Parliament having given their judgement upon it, and their advice to your Highneſſe in it, your Highneſſe ſeemeth to admit that there lyes a kind of neceſſity upon you to aſſume it, if there be not a neceſſity to wave it. For you will not without neceſſity decline the advice of the Parliament having ſaid that you ſhould rather chuſe any name which they ſhould fixe, than any name whatſoever without. Then it holdeth out thus much, that you will not put *expediency* nor *conveniency*, but onely *neceſſity* in balance with their judgement, who are the proper judges of things in that nature, and what is moſt expedient and convenient therein for the three nations, which they repreſent; and though a name might otherwiſe be inconvenient, yet accompanied with judgement of the Parliament, it would become more acceptable to your Highneſſe, than any other name without, as your Highneſſe hath ſaid and admitted. And, beſides, the grounds, of diſſatisfaction held forth by your Highneſſe, relating to conſcience, muſt be ſuch as are grounded upon a *neceſſity* in the negative, though the reaſons alleged by the committee ſhould not of themſelves conclude, but onely in *expedience*, in the affirmative; yet they are ſo far from concluding a neceſſity in the negative, that they doe it by accident in the affirmative, becauſe there is not onely not a neceſſity of the negative, but an expediencie in the affirmative, which notwithſtanding is more than lay upon the committee to make out, it being ſufficient, as this caſe is, to ſhew that there is not a neceſſitie to decline it, which is to conclude a kind of neceſſitie to take it. And whether or no if the poſition laid down by your Highneſſe were admitted, the reaſons given by your Highneſſe, doe upon that ſuppoſition conclude a neceſſitie of declining this name, is the queſtion in the ſecond place when the firſt poſition hath been conſidered, how farr it muſt or need not to be admitted.

There

There is a double neceſſitie, a *naturall* and a *morall* neceſſity: natural neceſſitie falleth not under conſideration unleſs it be in one reſpect, becauſe there is a kind of impoſſibilitie, at once to enumerate all particular caſes and circumſtances, wherein the chief magiſtrate ſhall or ſhall not have power or right, which manie hundreds of years hath done, and fitted the laws in all particulars to the *name* and *title* of *King*; but to the name of *Protector*, or any new name, either all caſes and circumſtances muſt by particular enumeration be applied, which would be the worke of an age (as it hath been of manie ages in that name of a *King*,) or it muſt be left, at leaſt in what is not enumerated, boundleſſe and lawleſſe, which that it ſhould not be there is a *morall*, that is to ſay a *politick* neceſſity: or elſe, to ſuit a particular enumeration, there muſt be a generall clauſe, that in all things not particularly ſpecified, they ſhall be defined by the laws and rights belonging to the word *King*, and then the queſtion will be meerly nominal, and conſequently not be put in balance with the judgement of the Parliament; for that a neceſſity in the negative cannot ariſe out of a meer nominal difference of the thing, the definition thereof being identically the very ſame, and there being no difference but onely that of a new name, which, in the judgement of divers wiſe men, may draw after it ſuch a conſequence, as the putting of old wine into a new bottle, which may hazard the loſſe of the thing, and of the laws and liberties of the nations, which are deſired to be preſerved thereby. As to moral neceſſity, it is either ſo *abſoluta neceſſitate*, or *neceſſitate precepti* or *neceſſitate medii*; for the firſt neceſſity there are but few things which are neceſſary in that ſenſe, as God is neceſſarily good, true, &c. and as to that neceſſity which is *virtute precepti*, it is ſo either primarily or ſecondarily *interventu actus humani*, and of the latter ſort is the matter in queſtion, if at all neceſſarie *neceſſitate precepti*; for though magiſtracy be an ordinance of God primarily, yet particular forms of magiſtracy and government, and much more the circumſtances of thoſe forms, as names, titles, and the like, are firſt ordinances of men, before they are ordinances of God; firſt man ſets his ſtamp upon them, and then God ſets alſo impreſſe upon them, and therefore though they be but ordinances of men, yet the apoſtle ſaith, we are to ſubmit unto them, for the Lord's ſake, whether to the KING as ſupream, or to the governors as thoſe that are ſent by him; and what *Peter* calls ordinances of men, *Paul* calls ordinances of God; and yet they are to be obeyed not onely for fear, but alſo for conſcience ſake, ſo that in theſe forms of government men may do as they will, as in other contracts wherein it is free for them to contract, or not to contract, or to make their covenants this way or another; but when they have made them, they muſt keep them, for then God's ſeal is upon them.

Now as to the matter in queſtion, it is clear, that the unqueſtionable ſtamp of human authority, and the ordinance of man in theſe nations, hath accompanied this office under this name for many hundred years together; and if it was waved and laid aſide, as of late yeares, it is now ſet up again by as good an authority and a fuller repreſentative of the three nations; and though it be onely by petition to your Highneſs yet it is in ſome ſort a Petition of right; for the people of theſe nations have an intereſt in their government and laws (whereof this was amongſt fundamentals,) as well as in their liberties and lands; and although particular perſons may have forfeited their intereſt in the government, yet I do not know that the nations have forfeited their intereſt therein. But if this point ſhall ſeeme to be driven too far, yet it is clear, that if the office under this *name* and *title* be moſt known, and moſt ſuitable to the laws of theſe nations, moſt agreeable to the deſires and diſpoſitions of the people, and moſt likely to maintain quiet and peace in the nations, with juſtice and liberty, which are the great ends of government, and of all forms and names therein, as in the judgment of the Parliament it is: then as it is the duty of the Parliament to adviſe it, ſo it doth thereby lay an obligation upon your Highneſſe to accept it *neceſſitate medii*, as a neceſſary *medium* to attain thoſe ends: and whereas your Highneſſe is pleaſed to ſay this *medium*, is not neceſſary, becauſe the ends may be attained by another *medium*, as appeareth in theſe two names and titles, *Cuſtodes libertatis Angliæ* and *Protector*: beſides, the experience, in the one, that was but of ſhort continuance and of the other, that it hath and doth ſtill ſtand but in a ſhaking and uncertain condition, and of both that they have attained the end but imperfectly, and through the help of a great deal of force; and though it cannot be denied, but that end may in ſome degree be obtained by ſome other *mediums*, which may ſerve the turn in caſe of neceſſitie, and when no better can be had; yet where ſuch a neceſſitie is in the caſe, there doth ſpring out a kind of morall, or at leaſt a politick neceſſitie of the contrarie, and of embracing that which is the beſt *medium*. For in caſe of neceſſitie, there might be a government without any laws, and that *arbitrium boni juris* ſhould ſerve inſtead of all laws; and yet where laws can be had, none will ſay that laws are not neceſſary. When a man hath a better lamb in his flock, a worſe will not ſerve, but in that caſe there is morall neceſſitie, that the beſt be brought for a ſacrifice. When the Parliament (and they ſuppoſe the like reaſon extends alſo to your Highneſſe) are perſwaded in their judgments, that this is the beſt *medium* to preſerve the liberties and the peace of the nations, and yet, no neceſſitie appearing unto them ſo to doe, ſhould make choice of a weaker prop, and that thereupon ſhould enſue inconvenience, and that the band of peace being broken, blood and confuſion ſhould return upon the nation; it muſt needs alſo return upon their thoughts, that they had been wanting in their duty, in not providing

ding the beſt remedy, which poſſibly might have prevented the miſchief. Which leadeth to the conſideration of the ſecond queſtion in this matter, whether, admitting your Highneſſe's poſition that there is not a neceſſity of this name *King*, the reaſon held forth by your Highneſſe, makes out ſuch a neceſſity, as that you cannot take upon you that *name*, though adviſed thereto by the Parliament, as the beſt and moſt conducing to the ends of government, withal granting not abſolutely neceſſary, if there fall not out to be neceſſity in the caſe, to the contrary.

Your Highneſſe was pleaſed in the firſt place to mention the diſſatisfaction, as to this particular, of many godly men, and ſuch as have grown up all along with you in the carrying on this great cauſe, as ſoldiers; which indeed muſt needs be a very great and tender conſideration to your Highneſſe, as it is alſo to all of us, who reap the fruit of their prayers, and of their hazards, and great and worthy ſervice; and it would be a great happineſs, if it might pleaſe God that great and good things were carried on with unanimity and harmony amongſt good men: but the felicity hath never yet been granted unto us, but that great matters and changes have been accompanied with great difficulties, with great difference of judgements, even amongſt the beſt men, as our late changes ſufficiently teſtifie. For your Highneſſe knows well when that change was made, whereby this *name* and *office* was laid aſide, how many godly men and your old friends were diſſatisfied therewith, and yet thoſe that had then the power did not think that they ſhould therefore forbear to do what then was judged for the good of the nation. There was the like diſſatisfaction on the other ſide, of many godly men, when your Highneſſe took upon you the government under the name of *Protector*, and yet it was not held a juſt obſtacle to what was then thought good for the nation. There is a certain latitude wherein there may be had a reſpect to friends, but when the publick good of the whole nation is in queſtion, other conſiderations may not take place; and as it is not love to ſatisfie mens deſires to their own hurt, and the hurt of the publick, ſo it cannot be thought but that godly and ſober men, when they ſee this *name* ſtamped firſt with the ordinance of man, and after with God's ordinance (for ſo it will then be) they will ſubmit thereunto for the Lord's ſake, and ſatisfie their minds that they ought ſo to doe.

For that other reaſon alleged by your Highneſſe, that this *name* bath been blaſted and taken away by the Parliament, it is clear, that the *thing* was as much blaſted as the *name*, and the government by *one perſon*, under what name ſoever, as much and more blaſted than this *name*; but in truth, neither *name* nor *thing* hath been at all blaſted by God; otherwiſe then he blaſted all things and names of this nature. It may be as truely ſaid, that he hath blaſted Parliaments, for they have alſo undergone and felt the like blaſts, but God hath ſo declared his will concerning all particular forms of government, that they are wholly at the pleaſure and diſpoſition of men to be continued and altered and changed according to the exigency of affairs, and publick good of the people and nations for which they are created by men: for the ſcripture called them *humanæ creationis*. Therefore as men blaſt them, ſo God blaſteth them, and when men ſet them up again God honoured them again, and commands they ſhould be honoured. One Parliament thought the perfect ſtate of affairs required taking away of this *name* and *office*; and this Parliament judgeth, the preſent ſtate of affairs requireth the reſtoring it to the nations again.

As to that point of ſafety which your Highneſſe touched upon, we may beſt anſwer it by drawing a curtain before it as your Highneſſe hath given us an example. There are diſſatisfactions on the one ſide, as well as on the other, neither is the conſideration of danger onely on the one ſide, and ſome things may be more convenient for your Highneſſe to conceive, than for us to ſpeak; onely I ſhall remember your Highneſſe what the wiſeman ſaith, *he that obſerveth the wind ſhall never ſow, and he that regardeth the clouds ſhall never reap*: the huſbandman in the way of his calling muſt rule his actions by the ordinance and revealed will of God, without attending unto the uncertain events which may ariſe through the indiſpoſition of the aire, which is in God's hands and diſpoſition; ſo every man in the way of his calling muſt attend to what is the revealed will of God to guide his reſolutions and actions thereby, and not by the various minds of men, which are in the hands of God: and the wiſeman alſo ſaith, *he that walketh uprightly walketh ſurely*; he walketh uprightly that walketh according to God's revealed will. It is alſo a great note of integrity to ſpeak as a man thinketh, to do as he ſpeaketh, and to ſute names to things; and as your Parliament hath thought this name to ſuit with this thing, ſo have they offered it to your Highneſſe with much integrity and without any other reſpect, ſaving to your good, and the liberty of the nations.

Lord *Broghill.*] Your Highneſs the laſt time this committee had the honour to wait on you, ſeemed to be of opinion, that it was not neceſſary that you ſhould aſſume the title of *King* to exerciſe legally the office and duty of ſupreme magiſtracy of theſe three nations; becauſe that the title of *Protector* as by the authority of Parliament made the title of the chief magiſtrate, would do as well, and anſwer all ends of government as fully, as that which now the Parliament does deſire and adviſe your Highneſs to take upon you. But to effect this, either all the powers and limitations of a *Protector* muſt be more particularly enumerated, or he muſt under that name have all the authorities of a *King*, as a *King* has by the law.

If the firſt of theſe then be ſuppoſed (as thoſe learned gentlemen that have ſpoken before have fully proved) in whatſoever is not particularly ſpecified the *Protector* is left to act arbitrarily, or a

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Parliament muſt be called to ſupply everie new diſcovered defect, (his powers being derived onely from that authoritie that now does, or hereafter ſhall conſtitute them) which will prove dangerous and inconvenient both to himſelfe and the people; and to ſet down all authorities and abundancies which are requiſite, will be a work of ſo much time and difficulty, that if in the notion onely it ſeems impracticable, in the acting it will be much more found ſo.

Of the ſecond, then it will evidently appear, that if the difficultie is onelie about a name, and it would be a ſad thing indeed that anie diſagreement ſhould be between your Highneſs and the Parliament, eſpecially when the thing differed in is the ſettling our foundation, and the thing differed upon is onelie a name; I hope that unhappineſſe will be ſo well foreſeen as never to be runne into.

Your Highneſs was pleaſed to take notice that if the title of Protector were ſettled by Parliament, hardly anie thing could be objected againſt it, but that it is a title not ſo long known to theſe nations as that of *King*; which is a grave and weighty objection, ſince in conſtituting of governments, the ableſt and moſt deſerving judges are uncapable to ſee thoſe diſadvantages and inconveniencies which time and experience doe render evident; which may be a reaſon, if not the chief one, why our anceſtours would never alter kingly government, though they had often the power to do it, and were provoked thereunto by exorbitance and evil government of their princes; chuſing rather to bound that office proportionably to the evils they had obſerved in it, than to eſtabliſh a new model of their own, in erecting of which they could not have in ſome ages the experience they had of that; and to caſt off an office that has been ſome hundreds of yeers a pruning and fitting for the good of the people, to eſtabliſh one that has been but newly known, were to think ourſelves wiſer in one day than our forefathers have been ever ſince the firſt erecting of *Kingſhip*.

It has been an unqueſtionable principle, that the magiſtrate is eſtabliſh'd for the lawes, and not the lawes for the magiſtrate: if therefore the title of *Protector* ſhould be the title of the ſupreme magiſtrate, we ſhould fit the lawes to him, not him to the lawes, which would be by our practice to contradict our profeſſions, and poſſibly wound the peoples rights. But in this point there has been ſo much ſaid, and that ſo learnedly by theſe worthie perſons, who have ſpoken before, and to prove the neceſſitie of your Highneſs aſſuming the title of *King*, that I ſhould onely adde a mentioning of thoſe manie reaſons that made the Parliament of three nations think it neceſſarie, you ſhould doe it, which is evident, by their inſerting it amongſt thoſe three things, which they eſteem fundamentals, as to the ſettlement; yea, theyhave placed it at the head of all thoſe fundamentals, and laid ſo great ſtreſſes on it, that in their humble petition and advice, they declare that if it be not accepted of, the whole ſhall be eſteemed null and void. So that the higheſt neceſſity impoſed by a Parliament will have the beſt acceptance.

Your Highneſſe was pleaſed to mention, that we had recent experiments that the ſupreme magiſtracy of the nation might be well carried into all effects and purpoſes under another name and title than that of *King*, viz. under the name of *Keepers of the liberty of England*, and under the name of *Protector*. But I ſhall humbly beſeech your Highneſſe to conſider, that becauſe that was not grounded upon the old known lawes, it was of verie ſhort duration: and the ſecond, for the ſame reaſon, the Parliament is now petitioning and adviſing your Highneſſe to alter, ſo what is brought as arguments to prove what your Highneſſe mentions, poſſibly may rather evince the contrary.

Beſides, Sir, it is confeſſed on all hands, that theſe two changes ſprung from neceſſity; therefore were not, neither ought to be of longer continuance then that neceſſity which cauſed them, and this is the great and reall difference between conſtitutions that are eſtabliſhed meerly becauſe neceſſary, and thoſe that are eſtabliſhed meerly becauſe good: for what is onely of neceſſity is but temporary, as no effect laſts longer than it's cauſe; but what is good in it's own nature is always good, and if by intervening accidents it be a a while clouded, yet at length it ſhines and overcometh, and all wiſe men do deſire to revert unto it.

To prove that the firſt of theſe changes, the *Keepers of the liberty of England*, was only an act of neceſſity and not of choice, I need but mind your Highneſs of what theMaſter of the rolls then ſpake, the Parliament did even now evert; that after the diſſolution of *Kingſhip*, the Parliament were neceſſitated to adviſe with a Civilian of another nation, what the *Hollander* had done, that they did, as they were at a loſſe what to do. The providence of God hath ſo altered the temper of officers between that time and this preſent, that the change appeared beſt, becauſe neceſſary: but the Parliament eſteems the change now deſired neceſſary, becauſe beſt; nor can we poſſibly better expreſſe our thankfulneſſe for the opportunity which now God hath put into our hands, then to employ it to make the beſt and laſtingeſt ſettlement. All things are beſt which are found beſt upon tryall; but all the changes we have been under of late were upon belief, not experience, and having had an eſſay of all, the Parliament have found that above all *Kingſhip* is the beſt. So that by the beſt judges, and by the beſt way of judging, that form of government now preſented to your Highneſſe, hath the precedence in the peoples opinion, and therefore, it is hoped, will have it in yours.

It may poſſibly be fit for your Highneſſe obſervation, that the firſt breach which happened amongſt thoſe worthy perſons, which inſtrumentally carried on our common cauſe, aroſe from the taking away the *title* and *office* of *King*, ſo often declared for and engaged to be maintained by the Parliament; till then we went hand in hand and

took ſweet council together, and if the aboliſhing thereof cauſed ſo ſad a breach, probably the reſtoration of it may make it up again.

Your Highneſſe was pleaſed to ſay, you aſſumed the office you now bear with no better hope than to prevent miſchief; queſtionleſſe we may expect better fruits from the ſupreme magiſtracy: and if your Highneſſe, who is every way ſo worthy of that office, had no better hopes under the title *Protector*, we may juſtly aſcribe it not unto your ſelf, but unto the confuſion of Government you acted under: and therefore if your Highneſſe now do aſſume the ſupreme magiſtracy according to the Laws, we ſhall both hope and believe that you will not only prevent ill, but do much good, the beſt governour being grafted upon the beſt government.

Your Highneſs expreſſed ſome doubts, that the providence of God hath blaſted the *King's* office in the duſt, and that by an act of Parliament it was laid aſide: but I humbly hope your Highneſſe will pardon me, if I cannot have the like apprehenſion, I cannot believe if that office were blaſted by the hand of God, that the Parliament would adviſe and petition you to take it up. Beſides, ſir, the very act which firſt caſt out the kingly office, did alſo caſt out the ſupreme magiſtracy in any ſingle perſon; yea, by way of election or otherwiſe; therefore I begge your pardon if I cannot think that act of Parliament can be interpreted as a providential blaſting of that office which your Highneſſe thought neceſſary to accept of, and by vertue of which we have for ſome years paſt enjoyed quiet and protection. So that if *Kingſhip* be blaſted, then ſupreme *magiſtracy in a ſingle perſon* is as much, being both equally declared againſt at the ſame time, and in the ſame act of parliament; and that ſince your Highneſſe by your actings, have evinced you did not believe the *ſupreme magiſtracy in a ſingle perſon* was blaſted by providence, you will permit us to believe that *Kingſhip* is no more blaſted than *that*, the ſame authority and the ſame act having blemiſhed (as farre as it could) both alike. But your Highneſs is pleaſed to ſay *Kingſhip* is caſt out *de facto*. If the weight of the argument do reſt thereon, your Highneſſe by accepting the petition and advice of the Parliament will make your argument as ſtrong *for Kingſhip* as ever it was againſt it, and 'tis hoped your Highneſſe will not doubt that what *one* ſupreme authority did ſuppreſſe, another may erect. That ſeemed neceſſary then in the judgement of *them* onely, they knew not what to do when they had ejected Kings, and we ſhall be in the like perplexity if now you accept not of this: what the long Parliament did after ſo long a warre, muſt be conſidered rather as a reſult of providence, than the caſting out the other.

The ſtate of Parliament muſt be conſidered under that notion alſo, and yet I think there is few that eſteem it not as fit to reſtore it again under due qualifications, as when 'twas eſteemed fit not to allow of it under any; if alſo your Highneſſe argument were carryed on as farre as it might be, I apprehend it might alſo bring it in queſtion, that Parliaments were blaſted by providence, for whoever allows not the diſſolving of the long Parliament to be under that notion, will hardly find a good reaſon for its diſſolution. But it may be anſwered, that it was only caſt out in reference to ſome that acted in it, who were ſuſpected to have a deſign of perpetuating themſelves in that authority, which would have turned what ſhould have been our phyſick into our food. To which I humbly anſwer, had that been ſo, the people might have had new writs ſent unto them for the election of their repreſentatives, who might have carried on the publick affairs of the nation by a new Parliament; but it ſeems thoſe times would not bear it, and therefore a convention of ſelect perſons were called, unchoſen by the people, to whom all power was devolved, and who had even a right to have perpetuated themſelves by calling into themſelves, from time to time, whom they thought fit: ſo that Parliaments were not for that turn only laid aſide but even by that conſtitution which did it, were perpetually excluded: by which it is evident, that if *Kings* were *de facto* blaſted, Parliaments were the like; yea much more, for in the act for aboliſhing *Kingſhip*, it was treaſon in thoſe onely who offered to reſtore it, but by conſent of Parliament: but in that aſſembly there was no ſuch proviſion for Parliaments ever, as hath been ſaid. By their conſtitution Parliaments were excluded, and to evidence how much ſtreſſe there lies barely upon a legal name, that aſſembly to give greater authority to their actions, ſtiled themſelves a Parliament, as the onely name the people took notice of, as the ſupreme authority of the nation, which poſſibly may invite your Highneſſe to believe that godly men and wiſe men think it eſſential to have titles conſonant to our laws: and therefore that your Highneſs, in the exerciſe of the ſupream magiſtracy, will be the rather invited to aſſume the title *King*, that being conſonant, and that onely being conſonant, to the Law.

I think all ſober men agree that government is neceſſary, but for the particular form thereof, it is left to the wiſdome of thoſe which the people chuſe to repreſent them, to ſet up ſuch a form as may be moſt fitted to their *genius*, and likelieſt to prove their good and quiet. If any can prove that *Kingſhip* by the word of God is unlawful, or that people have not power to give the ſupreme magiſtrate what name they think beſt, I ſhould be then ſilent; but ſince that power is unqueſtionable in the repreſentative of the people, and that they have deſired your Highneſſe to govern them by the title of King, and ſince alſo nothing can be objected aganiſt it, and both reaſon and cuſtom pleads for it, we earneſtly hope you will not think fit to deny the people that which is but their right, and I believe it was not yet denied by any ſupreme magiſtrate to any people: to which may be added, that if the *Kingſhip* has been caſt out by many providences, your Highneſſe accepting it will

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ſhew that it is reſtored at leaſt by as many more, as have happened in reference thereunto, from its diſſolution, to its reſtitution.

Your Highneſſe did further object, that ſome good men would be offended at your acceptance of that title. I confeſſe it is very conſiderable, and I think every judicious perſon of the houſe would be very cautious to give men under that character a juſt offence. But your Highneſſe will be pleaſed to permit me to minde you of the character you gave of good men in your laſt ſpeech; they are ſuch you ſaid as give obedience to goſpel ordinances, which requires obedience to authorities, not for fear, but for conſcience ſake, that you reckon nothing of godlineſſe without the circle, and that any principle which oppoſeth this was diabolicall, and ſprung from the depth of Satan's wickedneſſe. You were pleaſed further to ſay, that though ſome good men ſcrupled at that name the Parliament thought fit to aſſume, yet their doing ſo was no part of their goodneſſe: by which it will be evident that your acceptance thereof cannot offend good men, but by their eſteeming their obedience to a goſpel-ordinance an offence, which I hope no good men will or can doe. I ſhall alſo humbly beſeech your Highneſs to conſider, that if on the one ſide the acceptance of the title may offend ſome good men, ſo on the other ſide the declining of it will give offence to the Parliament, where all good men are legally and at once onely repreſented. The caſe of *David* when his child was ſick may poſſibly parallel the caſe of ſuch good men as are herein unſatisfied; while as the child was ſick he was very earneſt with the Lord for reſtoring of it to health, but God was not pleaſed ſo to doe, and the child died. His ſervants, being of another principle then himſelf, thus reaſoned, If his trouble and grief were ſo great, while yet the child was not dead, what will it be now it is dead? but *David* reaſoned thus, While there was hope I wreſtled with God, but ſince his will is declared I chearfully ſubmit to it. I hope as ſcrupulous good mens caſes in the particular of *Kingſhip*, is a parallel to the hiſtory, ſo it will likewiſe prove in the event.

Your Highneſſe was further pleaſed to mention ſome conſiderations in reference to ſafety, to which I humbly anſwer, The things that are offered to you are juſt in themſelves in reference to civils and ſpirituals, and ſo acknowledged by you: that authority that tenders them is the ſupreme legal authority of three great nations. You have a faithful and a good army, and we have you at the head of them, what ſhall we then fear? To which I ſhall only adde, that ſafety hath been often in danger by the King and Parliament diſagreeing, but this is the firſt time, (if it be in danger) that ever it was by their agreement; to which I further adde, that whatever evil may ariſe from your agreement with your Parliament, it will befall us in the way of our duty, which is an inward comfort to balance any outward evil; but if any evil happens, by your not cloſing with your Parliament, we ſhall undergoe the outward harm, and be denied the inward ſupport. Your Highneſs was pleaſed to ſay, you had rather have this than any name that is not given by them: permit me therefore now to ſay, that to all other arguments we have one irrefutable, and that is your own engagement; for the Parliament do deſire and adviſe you to accept the name of *King*; hitherto we have pleaded, but upon the account of your engagement we demand, and it is humbly hoped your Highneſs, who hath ſo exactly obſerved your word to your worſt enemies, will not break it unto your beſt friends, the Parliament.

Lord *Whitlock*] Sir, I have very little to trouble your Highneſſe with, ſo much hath been already ſpoken, and ſo well, that it will be hard for me or any other to undertake to add to it; only the duty of my employment, and ſomething due to your Highneſſe, occaſions me to ſpeak a few words to acknowledge, with very humble thanks, the honour and right which you have done this committee, by the clear and free diſcourſes and conferences which they have had with your Highneſſe; and your frequent expreſſions and teſtimonies of affection and reſpect to the Parliament, whoſe ſenſe in this I may preſume to ſpeak, that never any perſons met their ſupream magiſtrate with more love, duty and honour, than the Parliament have met your Highneſſe with, in their preſent addreſſes; which argument of love deſerves the eſteem and force, which I doubt not but your Highneſſe will put upon it.

I am fearful to be too tedious at any time, eſpecially at ſo late an hour, and therefore ſhall ſpeak but ſhort, to ſome things which I remember not to have been mentioned. Your Highneſſe was pleaſed at the laſt meeting to ſay, that the original inſtitution of the title *King*, was by common conſent, and that the ſame common conſent might inſtitute any other title, and make it as effectual as that of *King*: this muſt be acknowledged, but withal you may be pleaſed to obſerve, that the title of *King* is not onely by an original common conſent, but that conſent alſo approved and confirmed, and the Lawes fitted thereunto, and that fitted to the Lawes, by the experience and induſtry of many ages, and many hundreds of yeares together; whereas any other *title* will be onely by preſent common conſent, without that experience and approbation: for that experience which your Highneſs mentioned to have been of other titles, and the due adminiſtration of juſtice under them, is an experience farre ſhort of the other; and for the courſe of juſtice, we have cauſe to thank that care which placed ſo good judges and officers over us; yet give me leave to ſay, that in private cauſes between party and party and in publick matters, in nominall cauſes, it was not eaſie to finde juſtice to be done by ſome jurors: and many queſtions have riſen upon the occaſion of thoſe new titles.

Concerning that tender point of good mens ſatisfaction, I think it requires a very great regard from

from us, and I doubt not but thoſe good people will be fully ſatisfied if they conſider the covenants, promiſes, and precepts, which in the ſcripture are annext to the name of *King*; and although ſome have alleged, that they belong to any chiefe magiſtrate as well as to *King*; yet no man did ever read the original word tranſlated otherwiſe then *King*; neither do I find the preſent title once mentioned in the holy text. If the preſent authority be a lawful authority, which I hope none of us will deny, ſurely thoſe good men who are ſo well principled in godlineſſe, will not forget that precept of ſubmiſſion to authority, and to be ſatisfied with that which lawful authority ſhall ordain. Their rights and liberties are the ſame with ours, and the Parliament cannot adviſe any thing for the preſervation of the peoples rights but theſe good men are included, which I hope will be no diſſatisfaction to them.

In all the changes, which we have ſeen, there hath been a diſſatisfaction to ſome, yet ſtill the bleſſing of God hath gone along, through all theſe changes, with thoſe who carried on his intereſt, and the cauſe being the ſame, the ſame mercies have been continued; and I doubt not but if the intended change, or rather reſtitution be made, as I hope it will, I doubt not but the ſame God will continue his bleſſings to that good old cauſe, wherein we are engaged; and that good men receive ſatisfaction by it.

Your Highneſſe hath been told that the title of *King* is upon the foundation of the law, and that a new title muſt have a new conſtitution to make the laws relate unto it, and that unto the laws. I ſhall only adde this, that a title by relation is not ſo certain and ſafe, as a title upon the old foundation of the law, and that a title upon a preſent ſingle conſtitution, as any new title muſt be, cannot be ſo firm, as a title both upon the preſent conſtitution and upon the old foundation of the law likewiſe, which the title of *King* will be. If any inconveniency ſhould enſue upon your acceptance of this title which the Parliament adviſeth, your Highneſſe ſatisfaction will be, that they did adviſe it.

On the contrary part, if inconveniency ſhould ariſe upon your Highneſs refuſall of this title which the Parliament hath adviſed, your burthen will be the greater. And therefore whatſoever may fall out may be better anſwered by your Highneſſe complying with your Parliament then otherwiſe.

This queſtion is not altogether new, ſome inſtances have been given of the like, to which I ſhall adde two or three. The *titles* of the Kings of *England*, in the realm of *Ireland*, was Lord of *Ireland*. And the Parliament in the 33d year of *Hen.* 8. reciting that inconveniencies did ariſe there, by reaſon of that title, did enact that *Hen.* 8. ſhould aſſume the *ſtile and title of King of Ireland*, which in the judgment of this Parliament was preferred before the other.

In the ſtate of *Rome*, new titles proved fatal to their liberties. Their caſe was not much unlike ours, they were wearied with a civil war, and coming to a ſettlement, *cuncta diſcordiis civilibus feſſa, nomine principis ſub imperium accepit.* Some would not admit the title *Rex* to be uſed, but were contented to give the titles of *Cæſar*, *perpetuus Dictator*, *Princeps Senatus*, *Imperator*. *Non ſum Rex ſed Cæſar*, came at laſt to this, *Voluntas Cæſaris pro lege habeatur.*

The northern people were more happy amongſt themſelves; a private gentleman of a noble family took up arms with his countrymen againſt a tyrant, and by the bleſſing of God reſcued their native liberties, and rights of their country from the oppreſſion of that tyrant. This gentleman had the title of *marſhall* given unto him, which continued for ſome years. Afterward their Parliament, judging it beſt to reſume the old title, elected this gentleman to be their *King*, and with him was brought in the liberty of proteſtant religion, and the eſtabliſhment of the civil rights of that people, which have continued in a proſperous condition ever ſince unto this day.

Sir, I ſhall make no other application but in my prayers to God to direct your Highneſs and the Parliament (as I hope he will) to doe that which will be moſt for his honour and the good of his people.

Lord Protector.] I have, as well as I could, conſidered the arguments uſed by you the other day, to inforce the concluſion that refers to the name and title, that was the ſubject matter of the debates and conferences, that have been between us. I ſhall not now ſpend *your* time, nor *my own* much, in repeating thoſe arguments, and in giving anſwers to them, although (indeed) I think they are but the ſame that they were formerly, onely there were ſome additional inforcements of thoſe arguments by new inſtances—I think truly after the rate of debate, I may ſpend your time, which I know is very precious, and unleſſe I were a ſatisfied perſon, the time would ſpin out and be very unprofitably ſpent—ſo it would—I onely muſt ſay a word or two to that that I think was new.

What comes from the Parliament in the exerciſe of the legiſlative power, which is this; I underſtand it to be an exerciſe of the legiſlative power, and the laws were alwaies formerly paſſed this way, and that of bills was of a newer date—I underſtand that, I ſay—but it is ſaid that what is done by the Parliament now, and ſimply hangs upon their legiſlative, ſeems to be a thing that is *ex dono*, not *de jure*, not a thing that is of ſo good weight, and ſo ſtrong, as what referres from them to the law that is already in being. I confeſſe there is ſome argument in that—that is there,—but the ſtrength will be as good without it, though it comes as a gift from you, I mean as a thing that you provide for them, or elſe it will never come at all; ſo in a ſenſe it comes from you, it is that that they can't otherwiſe come by, therefore in a

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ſenſe it is *ex dono*; for he that helps a man to what he cannot otherwiſe come by, doth an act that is very near a gift, and you helping them to it, it is, in a kind, a gift to them; otherwiſe they could not have it. But if you do it ſimply by your legiſlative power, the queſtion is not what makes this more firm, whether the manner of the ſettling of it, or the manner of your doing it, it is alwaies as great a labour. But yet the queſtion lies in the acception of them who are concerned to yield obedience and accept this, and therefore if a thing that hath for it's root and foundation but your legiſlative in an act of your, —if I may put a *but to* it—I do not do ſo, for I ſay, it is as good a foundation, as that other is; and if it be as well accepted, and that the other be leſſe then truly it is, I ſhould think a better.

And then all *that*, I ſay, that is founded upon the law---I ſay all thoſe arguments that are founded in the law for it, becauſe it hath been ſaid, it doth agree with the law, the law knows the office, the law knows—the people knows it, and the people are likelier to receive ſatisfaction that way; theſe have been arguments that have been already uſed, and truly I know nothing that I have to adde to them; and therefore I ſay alſo thoſe arguments may ſtand as we found them, and left them already: onely this I think truly, as it hath been ſaid to me, I am a perſon that have done that that never any that were actually King of *England* refuſed----the advice of the Parliament---I confeſſe that runnes to all, and that may be accounted a very great fault in me, and may ariſe up in judgment againſt me another time, if my caſe be not different from any man's that was in the chief command and government of theſe nations that ever was before, and truly I think it is. They that have been in it, have been owned to be in the right of the law, as inheritours coming to it by birth-right, or otherwiſe by authority of Parliament, who yet have had ſome ſpecious pretence of title, or claim to it. I think (under favour) I deſerve leſſe blame than another doth, if I cannot ſo well comply with the title, with the deſires of the Parliament in it, as others do, for they that are in, would take it for an injury to be outed; truely theſe arguments are very ſtrong to them, why they ſhould not refuſe that, that is tendred to them by the Parliament. But I have dealt plainly with you, and I have not complemented with you, I have not deſired, I have no title to, the government of theſe nations, but what was taken up in a caſe of neceſſity and temporary, to ſupply the preſent emergency, without which we muſt needs have been ruined, I ſay we had been all ruined after the rate of the printed book, and after the rate of thoſe men, that have been taken going into arms, if it had not been taken—it was as viſible to me as the day—if I had not undertaken it.—And ſo it being put upon me, I, being then General, as I was General by act of Parliament, took upon me to take power in my hand, after the aſſembling of men that was called together had been diſſolved. Really the thing would have iſſued itſelf in this book, for, as I am informed, the book knows an author, who was a leading principal perſon in that aſſembly.

What now I ſay, I ſpeake in the plainneſſe and ſimplicity of my heart, as before almighty God, I did out of neceſſity undertake that, that no man, I think, would have undertaken but myſelf. It hath pleaſed God that I have been inſtrumental to keep the peace of the nation to this day, and to keep it under a title that ſome ſaies ſignifies but a keeping it to another's uſe, that may improve it to a better uſe. And this I may ſay, I have not deſired the continuance of my power and place, either under one title or other—that have I not.

I ſay it, if the wiſdom of the Parliament, could find where to place things ſo as they might ſave this nation, and the intereſts of it; the intereſt of the people of God in the firſt place, of thoſe godly honeſt men—for ſuch a character I reckon them by who live in the fear of God and deſire to hold forth the excellency of the chriſtian courſe in their life and converſation;—I reckon that proceeds from faith, and looking to the duties towards chriſtians, and to the humanity of men as men, and to ſuch liberties and intereſts as the people of this nation are of, and looke upon that as a ſtanding truth of the goſpel, and who lives up to that, according to that, is a godly man in my apprehenſion—and therefore I ſay, if the wiſdome of the Parliament—I ſpeak not this vainly, nor like a foole, but as to God—and if the wiſdome of this Parliament ſhould have found a way to ſettle the intereſt of this nation, upon the foundations of juſtice and truth and liberty to the people of God, and concernments of men as *Engliſh* men, I would have layn at their feet, or any bodies feet elſe, that this might have run in ſuch a current, and therefore I ſay I have no pretentions to things for myſelf, or to aske this or that, or to avoid this or that; I know the cenſures of the world may quickly paſs upon me, but, I thank God, I know not where to lay the weight that is laid upon me; I meane the weight of reproach and contempt and ſcorn that hath been caſt upon me.

I have not offered you any name in competition of *Kingſhip*; I know the evill ſpirits of men may eaſily obtrude upon a man, that he would have a name that the law knows not, and that is boundleſſe, and is that under which a man exerciſes more arbitrarineſſe; but I know this is nothing in that argument, and if it were in your thoughts to do any thing of that kind, I think whatſoever it was, you would bound it, and limit it ſufficiently. I wiſh it were come to that, that no favour ſhould be ſhewed to me, but that the good of theſe nations might be conſulted, as I am confident it will be by you in whatſoever you do. But I may ſay this in anſwer to that that doth a little pinch upon me, and the more when I am told it was my duty; I think it can be no man's duty,

nor obligation, but between God and himſelfe, if he be conſcious of his own infirmities, diſabilities, and weakneſſes that he is not able perhaps to encounter with, (although he may have a little faith too, for a little exerciſe)—I ſay, I do not know which way it can be imputed to me for a fault, or laid upon me as a duty, except I meant to gripe at the government of the nations without a legal conſent, which I ſay I have done in times paſt, upon principles of neceſſity, and I promiſe I ſhall think whatever is done without authority of Parliament, in order to ſettlement, will neither be very honeſt, nor yet that that I underſtand. I think we have fought for the liberties of the nation, as well as for other intereſts—you will pardon me, that I ſpeak theſe things in ſuch a way as this is,—I may be born withall, becauſe I have not truly well born the exerciſe that hath been upon me now theſe three or four days,—I have not I ſay,—I have told you my thoughts, and have laid them before you; you have been pleaſed to give me your grounds, and I have told you mine; and truly I doe purpoſely refuſe to mention thoſe arguments which were uſed when you were laſt here, but rather tell you, what ſince,—I tell you,—lies upon my heart out of the abundance of difficulty and trouble that lies upon me. And therefore you having urged me, I mean offered reaſons to me, and urged me with ſuch grounds as did occurre to you, and I having told you, the laſt time I met you, that the ſatisfaction of them did not reach to me, ſo as wholly to convince my judgement of what was my duty, I have thought rather to anſwer you with telling you my griefe, and the trouble I am under. Truely, my intentions and purpoſes they are honeſt to the nation, and ſhall be by the grace of God; and I cannot tell how upon collaterall pretences to cut towards things that will be deſtructive to the liberties of this nation: any man may give me leave to dye, and every body may give me leave to be as a dead man, when God takes away the ſpirit and life and activity that is neceſſary for the carrying on ſuch a work. And therefore I do leave the former debates as they were, and we had them; letting you know that I have looked a little upon the paper—the inſtrument, I would ſay—in the other parts of it; and conſidering that there are very many particulars in the inſtrument, ſome of *general* reference, others *ſpecified*, and all of weight, (let the *title* be what it will be) of weight to the concernment of the nations, I think I may deſire that thoſe may be ſuch as—whatever they be applyed to, whether one thing or another—they might be ſuch as the people have no cauſe to complain, as I am confident your care and faithfulneſſe needs neither a ſpurre, nor any admonition to that. I ſay reading in your order, *by order of parliament for the committee*, that there are divers particulars, that if I do make any ſcruple of them, I ſhould have the freedome with this committee to caſt my doubts, the truth of it is, I have a paper here in my hand, that doth contain divers things, with relation to the inſtrument, that I hope have a publick aſpect with them, therefore I cannot preſume but they will be very welcome to you, therefore I ſhall deſire that you will read them.

I ſhould deſire, if it pleaſe you, that liberty (which I ſubmit to your judgement, whether you think I have it or no) that I might tender theſe few things, and ſome others that I have in preparation, and truly I ſhall reduce them to as much brevity as I can; they are too large here, and if it pleaſe you tomorrow in the afternoon at three of the clock I may meet you again, and I hope we ſhall come to know one another's mindes, and ſhall agree to that that ſhall be to the glory of God, and the good of theſe nations.

The Lord Protector's paper offered to the committee,
April 21, 1657.

My Lord,

I Think you may well remember what the iſſue was of the laſt conference I had with you, and what the **ſtick* was then. I confeſſe I took occaſion from the order of Parliament, in which they gave you power to ſpeak with me, about thoſe things that were in the body of that *inſtrument and deſire*, on which you have been pleaſed to ſpeak with me; that I might conferre with you about thoſe particulars, and might receive ſatisfaction from you as to them. Whether a good iſſue will be to all theſe affairs or no, is onely in the hands of God; that's a great ſecret, and ſecrets belong to God: but things revealed to us, (and ſuch things are the ſubject matter of this *inſtrument* of yours) are, as farre as they may have relation to me, † that you and I may conſider, what may be for publick good, that ſo they may receive ſuch an impreſſion as can humanely be given to them.

Becauſe that I ſhould be well underſtood, and that I ſay the former debates and conferences have been upon the *title*, and *that* reſts as it did; ſeeing that as I ſaid before, your *order of commitment*, doth as well reach to the particulars contained in the *inſtrument*, as to that of the *title*, I did offer to you that I ſhould deſire to ſpeak with you about *them* alſo, that ſo we may come to underſtanding one with another, not what the thing is in parts, but what it is in the whole, conduceable to that end, that we ought to aime at, which is a generall ſettlement upon good foundation.

As truely, as I have often ſaid even to the Parliament itſelf, when they did the honour to me to meet me in the banquetting-houſe, ſo muſt I ſay to you, that are a committee, a very conſiderable repreſentation of them, that I am hugely taken with the word ſettlement, with the thing and with the notion of it, I think he is not worthy to live in *England* that is not; no, I will doe my part ſo farre as I am able, to expell that man out of the nation, that doth not affect in the generall to come to a ſettlement, becauſe indeed it is the great miſery and unhappineſſe of a nation to be without it; and it is like a houſe, and

* Difficulty *or* Stop. † What *or* ſuch as

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ſo much worſe then a houſe divided againſt itſelf, it cannot ſtand without ſettlement. And therefore, I hope, we are all ſo farre at a good point, and the ſpirit of the nation, I hope, in the generality of it, is ſo farre at a good point, we are all contending for a ſettlement, that's ſure; but the queſtion is *de modo*, and of thoſe things that will make it a good one if it were poſſible: that's no fault to aim at perfection in ſettlement. Truly I have ſaid, and I ſay it again, that I think that that tends to the making of the nation to enjoy the things we have declared for—and I would come upon that iſſue with all men or any man—the things we have declared, that they have been the ground of our quarrelling and fighting all along, is that will accompliſh the general work; ſettlement is the generall work, now that which will give the nation to enjoy their civil and religious liberties, that will conſerve the liberty of every man, and not to rob any man of what is juſtly his, I think theſe two things make up ſettlement; I am ſure they acquit us before God and man, who have endeavour'd, as we have done, through ſome ſtreamings of blood to attain that end.

If I may tell you my experiences in this buſineſſe, and offend no good man that loves the publick before that which is perſonall, truly I ſhall a little ſhortly re-capitulate to you what my obſervations and endeavours and intereſt hath been to this end; and, I hope, no man that hath been intereſted in tranſactions all along, will blame me if I ſpeak a little plainly, and he ſhall have no cauſe to blame me becauſe I will take myſelf into the number of culpable perſons, if there be any ſuch, though perhaps apt enough, out of the ſelf love I have, to be willing to be innocent where I am ſo, and yet to be as willing to take my reproach, if any body will lay it upon me, where I am culpable. And truly I have, through the providence of God, endeavoured to diſcharge a poor duty, having had, as I conceive, a clear call to the ſtation I have acted in, in all theſe affairs, and I believe very many are ſufficiently ſatisfied in that; I ſhall not go about to ſay any thing to clear it to you, but muſt exerciſe my ſelf in a little ſhort chronology, to come to that, I ſay, is really all our buſineſs at this time, and the buſineſs of this nation—to come upon clear grounds and to conſider the providences of God, how they have led us hitherunto.

After it pleaſed God to put an end to the war of this nation, a finall end, which was done at *Worſter* in the determination and deciſion that was there, by the hand of God; for other war we have had none, that perhaps deſerves the name of war, ſince that time, which is now ſix years in *September*, I came up to the Parliament that then was, and truely I found the Parliament, as I thought, very diſpoſed to put a good iſſue to all thoſe tranſactions that had been in the nation, and I rejoyced at it. And though I had not been well skilled in parliamentary affairs, having been neer ten years in the field, yet, in my poor meaſure, my deſires did tend to ſome iſſue, believing verily that all the blood that had been ſhed, and all the diſtemper that God had ſuffered to be amongſt us, and, in ſome ſenſe, God hath raiſed amongſt us, that ſurely fighting was not the end, but the means that had an end, and was in order to ſomewhat; truly it was then that I thought of ſettlement, that is that men might come to ſome conſiſtencies, and to that end I did endeavour to adde my mite, which was no more then the intereſts of any one member that was there, after I was returned again to that capacity, and I did,—I ſhall tell you no fable, but the things that divers perſons here can tell, whether I ſay true or no,—I did endeavour it—I would have you make the beſt interpretation of this—but yet this is truth, and nothing of diſcovery on my part, but that which every body knows to be true, that the Parliament have done theſe memorable things, that they had done things of honour, and things of neceſſity, things, that if at this day you have any judgement that there lyeth a poſſibility upon you to do any good, to bring this nation to any foot of ſettlement, I may ſay, are all along beholden to them in a good meaſure. But truly as men that contend for publick intereſt are not like to have the applauſe of all men, nor juſtification from all hands; ſo it was with them. And truly when they had made preparation that might lead to the iſſuing in ſome good for the ſettlement of theſe nations in point of liberty and freedome, from tyranny and oppreſſion, from the hazard of our religion, they were afraid to throw it away upon men that deſigned by innovations to introduce popery, and, by complying with ſome notions, introduce arbitrarineſs upon a civil account. Why, they had more enemies then friends, they had ſo all along, and this made them careful out of principles of nature, that doe ſometimes ſuggeſt beſt; and upon the moſt undeniable grounds, they did think that it was not fit for them preſently to goe and throw themſelves, and all this cauſe into hands that perhaps had no heart nor principle with them to accompliſh the end that they aimed at. I ſay, perhaps through infirmity they did deſire to have *continued* themſelves, and to have perpetuated themſelves upon that act, which was perhaps juſtly enough obtained, and neceſſarily enough obtained, when they did get it from the *King*; but though truly it was good in the firſt obtaining of it, yet was by moſt men, who had ventured their lives in this cauſe, judged not fit to be perpetuated, but rather a thing that was to have an end, when it had finiſhed it's courſe, which was certainly the true way of it in the ſubſerviency to the bringing in that which might be a good and honeſt ſettlement to the nation.

I muſt ſay to you that I found them very willing to perpetuate themſelves. And truly this is not a thing of reflection upon all, for perhaps ſome were not ſo; I can ſay ſo of ſome of them, the ſober

ſober men that I had converſe with, they would *not* have, but I think the major part did over rule in that they *would* have, continued. This is true that I ſay to you—I was intreated to it, and adviſed to it, and was by this *medium* to have accompliſht it, that is, to have ſent into the country to have reinforced their number, and by new Election to have filled them up; and this excuſe it had, it would not be againſt the liberty of the people, nor againſt the ſucceſſion of men to come into rule and government, becauſe as men dyed out of the houſe ſo they ſhould be ſupplyed. And this was the beſt anſwer could be given to that objection that was then made, that the beſt way to govern, is to have men ſucceſſive, and in ſuch great bodies as Parliaments, to have men to learn to know how to obey as well as to govern, and truly the beſt expedient that we had then was, that I tell you.

The truth of it is, this did not ſatisfy a company of poor men, that had thought they had ventured their lives, and had ſome thoughts, that they had a little intereſt to enquire after theſe things, and the rather, becauſe really they were invited out, upon principles of honeſty, conſcience and religion, for ſpiritual liberties, as many as would come, where the cauſe was a little doubtful. There was a declaration that was very inviting, and men did come in upon that invitation, and did thereby think themſelves not to be mercenary men, but men that had wives and children in the nation, and therefore might a little look after a ſatisfaction in what would be the iſſue of the buſineſſe. And when this thing was thus preſt, (and it may be over preſt) that a period might be put, and that that might be aſcertained, and a time fixt, why truly, then the extremity ran another way—This is very true that I tell you, though it ſhames me, I do not ſay it ſhames all that were of the houſe, for I know all were not of that mind —Why truly, when this was urged then another extremity—What was that? Why truly, then it was ſeeing a Parliament might not be perpetual, the Parliament might alwaies be ſitting, and to that end was there a bill framed, that Parliaments might be alwaies ſitting, that as ſoon as one Parliament went out of their place, another might leap in; and when we ſaw this, truly, we thought we did but make a change in pretence, and did not remedy the thing; and thereupon that was purſued with that great heat, I dare ſay, there was more progreſs in it in a month, then was with the like buſineſſe in four, to haſten it to an iſſue; that ſuch a Parliament might be brought in, and would bring the ſtate of the nation into a continuall ſitting of Parliaments.

We did think, who are plain men, and I think it ſtill, that that hath been according to the fooliſh proverb, *out of the frying pan into the fire*; for looking at the government, they would then have, it was commonwealths government. Why we ſhould have had fine work then,—we ſhould have had a council of ſtate, and a Parliament of 400 men, executing arbitrary government without intermiſſion, ſaving of one company, one Parliament ſtepping into the ſeat of another, while they left them warm, the ſame day that one left, the other was to leap in; truly I did think, and I do think, however ſome are very much enamoured with that kind of government, why it was no more but this, that committees of Parliament ſhould take upon them, and be inſtead of courts of *Weſtminſter*. Perhaps ſome will think there had been no hurt in that arbitrarineſs in committees, where a man can neither come to prove nor defend, nor to know his judges, becauſe there are one ſort of men that judge him to day, and another ſort of men to morrow. This ſhould have been the law of *England*, and this ſhould have been the way of judgeing this nation, and truly I thought that, that was an ill way of judging. For I may ſay to you with truth to that, after it pleaſed God your poor army, thoſe poor contemptible men, came up hither, it was an outcry here in this place to ſee a cauſe here determined and judged, and committees erected to fetch men from the extreameſt parts of the nation to *London*, to attend the committees to determine all things, and without any manner of ſatisfaction; whether a man travil never ſo right or wrong he muſt come, and he muſt go back again as wiſe as he came. This truly was the caſe and our condition, and truly I muſt needs ſay, take all in that was in the practices, I am ſorry to tell the ſtory of it. Though there was indeed ſome neceſſity of buſineſs, a neceſſity of ſome committees to look to indemnity, but no neceſſity of committees inſtead of courts of juſtice; but it was ſo, and this was the caſe of the people of *England* at that time: and that the Parliament aſſuming to itſelfe the authority of the three eſtates that were before, it was aſſuming that authority; and if any man would have done and ſaid, What are the rules you judge by? *Why we have none, but we are ſupream in legiſlature and in judicature.*

This was the ſtate of the caſe, and I thought, and we thought, and I think ſo ſtill, that this was a pitiful remedy, and it will be ſo while and whenſoever a legiſlature is perpetually exerciſed, when the legiſlative and the executive powers are alwaies the ſame. And truly I think the legiſlature, would be almoſt as well in the four courts of *Weſtminſter-Hall*, and if they could make laws and judges too, you would have excellent laws, and the lawyers would be able to give excellent councel, and ſo it was then. This was our condition without ſcruple and doubt, and I ſhall ſay no more to it, but truly it was offered then trulie and honeſtly, and deſired, and begged that we might have a ſettlement, and that now is what is here propoſed.

It was deſired then, it was offered and deſired, that the Parliament would be pleaſed either of their own number, or any elſe, to chuſe a certain number of men to ſettle the nation, *this is unſettlement, this is confuſion:* for give me leave, if any body now have the face to ſay,—and I would die upon this,

if

—if any man in *England* have the impudence or the face to ſay, that the exceptions of the Parliament was the fear of their haſty throwing the liberties of the people of God, and the nation into a bare repreſentative of the people, which was then the buſineſs we oppoſed,—if any man have the face to ſay it now, that did then, or, I will ſay more, ought then to judge it had been a confounding of the whole cauſe, that we had fought for, which was then judged, I would look upon that man's face,—I would be glad to ſee ſuch a man,—I do not ſay there is any ſuch here, but if any ſuch ſhould come to me, ſee if I would not look upon him and tell him he is a hypocrite. I dare ſay it, and I dare to die for it, knowing the ſpirit that hath been in ſome men to me, they come and tell me, they do not like my being *Protector*. Why do you not? Why, becauſe you will exerciſe arbitrary government. Why what would you have me to do? Pray turn General again, and we will like you exceeding well. I am as a child in it's ſwadling clouts; I cannot tranſgreſſe by the government, I can do nothing but in co-ordination with the counſell. They feared arbitrary government by me upon that account, but if I returned to be General, then they were not affraid of arbitrary Government. Such as theſe are—ſuch hypocriſies as theſe are—ſhould they enter into the heart of any man that hath any truth or honeſty in him? And truly that is our caſe. And finding our caſe to be thus, we did preſs the Parliament, as I told you, that they would be pleaſed to ſelect ſome worthy perſons, that had loved this cauſe and the liberties of *England*, and the intereſt of it; and we told them, we would acquieſce and lye at their feet, but to be thrown into Parliaments, that ſhould ſit perpetually, though but for three yeares they had the experience of.—The experience of which may remain to this day to give ſatisfaction to honeſt and ſober men.—Why truly we thought it might ſatisfie but it did not; and thereupon we did think, that it was the greateſt of dangers, to be overwhelmed and brought under a ſlavery by our own conſent, and iniquity to become a law: and there was our ground we acted upon at that time, and truly they had perfected the bill for perpetuating of Parliaments to the laſt clauſe, and were reſolved to paſſe it as a bill in paper, rather then comply with any expedient.

If your own experience adde any thing to you in this point, whether or no, in caſes civil and criminal, if the Parliament ſhould aſſume an abſolute power, without any controle, to determine the intereſts of men in property, and liberty, whether or no this be deſirable in a nation? If you have any ſenſe, as I believe you have—you have more then I have.—I believe you will take it for a mercy, that that did not befal *England* at that time, and that's all I will ſay of it.

Truly, I will now come and tell you a ſtory of my own weakneſſe and folly, and yet it was done in my ſimplicity, I dare avow it was, and through ſome of my companions. And truely this is a ſtory, that would not be recorded, a ſtory that would not be told, but when good uſe may be made of it. I ſay it was thought then, that men of your judgement, that had fought in the wars, and were all of a piece upon that account, why ſurely theſe men will hit it, and theſe men will do to the purpoſe whatever can be deſired, truly we did think, and I did think ſo—the more to blame.—And ſuch a company of men were choſe, and did proceed in action; and truly, this was the naked truth, that the iſſue was not anſwerable to the ſimplicity and honeſty of the deſigne, what the iſſue of that meeting would have been was feared. Upon which the ſober men of that meeting did withdraw, and came and returned my power, as far as they could——they did actually the greater part of them---into my own hands; profeſſing and believing that the iſſue of that meeting would have been the ſubverſion of your laws, and of all the liberties of this nation, the deſtruction of the miniſters of this nation; in a word, the confuſion of all things: and inſtead of order, to ſet up the judicial law of *Moſes*, in abrogation of all our adminiſtrations; to have adminiſtred the judicial law of *Moſes*, *pro his & nunc*, according to the wiſdome of any man that would have interpreted the text, this way or that way. And if you do not believe that they were ſent home by the major part, who were judicious and ſober and learned (the worſt upon this account) and with my conſent alſo *a parte poſt*, you will believe nothing. For the perſons that led in the meeting were Mr *Feake* and his meeting in Blackfryers, Major General *Harriſon* and thoſe that aſſociated with him at one Mr *Squibb*'s houſe; and there were all the reſolutions taken that were acted in that houſe day by day. And this was ſo *de facto*, I know it to be true, and that this muſt be the product of it, I do but appeal to that book, I told you of the other day, that all magiſtracy and miniſtry is anti-chriſtian, and therefore all theſe things ought to be aboliſhed, which we are certain muſt have been the iſſue of that meeting.

So that you have been delivered, if I think right, from two evils; the one evil a ſecular evil, that would have ſwallowed up all religious and civil intereſt, and made us under the horrideſt arbitrarineſs that ever was exerciſed in the world, that we might have had five or ſix hundred friends, with their friends to have had a judgement of all cauſes, and to have judged without a rule, thinking that the power that ſwallowed up all the other lawful powers in the nation, hath all the power that ever they had, both a legiſlative and judiciarie, I ſay, that which ſwallows both the civil and religious intereſt. And the other, meerly under a ſpirituall intereſt, had ſwallowed up again, in another extreme, all our civil and religious intereſt and had deſtroyed our miniſtry, and all the things we are beholding to God for. Truely, we think we ought to value this intereſt, above all intereſts in the world, but if this latter had not been as ſure deſtroyed as the former, I underſtand nothing.

Having told you theſe two things, truely I muſt needs ſay it makes me in love with this *paper*, and with all things in it, and with theſe additions, that I have to tender to you, and with ſettlement above all things in the world, except that where I left you the laſt time, and for that I think we have debated. I have heard your mind, and you have heard mine, I have told you my heart and my judgement, and the Lord bring forth his own iſſue.

I think we are now to conſider not what we are on the foot of the government that called this Parliament, which, till there be an end put to it, is that that hath exiſtence, and I ſhall ſay nothing to that——if that accompliſheth the end of our fighting, and all thoſe bleſſed and good ends that we ſhould aim at——if it do, I would we might have that, and remain where we are; if it doth not, I would we might have that which is better, which truly I now come, out of myſelf, to tell you, that as to the ſubſtance and body of your inſtrument I do look upon it as having things in it—if I may ſpeak freely and plainly—I may, and we all may—I ſay the things that are provided for in this government have the liberties of the people of God, ſo as they never had it, and he muſt be a pitifull man that thinks the people of God ever had that liberty, either *de facto*, or *de jure*, that is to ſay, *de jure* from God; I think they have had it from the beginning of the world to this day, and have it ſtill aſſerted by a *jus humanum*; I ſay they never had it ſo, as they have it now, and I think you have provided for the liberty of the people of God and of the nation, and I ſay he ſings ſweetly that ſings a ſong of reconciliation betwixt theſe two intereſts, and it is a pitifull fancy and wiſdome, and ignorance to think they are inconſiſtent; they may conſiſt, and I ſpeak my conſcience, in this government I think you have made them to conſiſt; and therefore I muſt ſay in that and in other things you have provided well—that you have—And becauſe I ſee the root of the Parliament gives you leave to ſpeak with me about the particulars, I think the Parliament doth think, that any member they have is not to be neglected in offering of any thing that may be of additionall good; and, upon that account, I having a little ſurveyed the *inſtrument*, I have a paper here to offer to you upon that account, and trulie I muſt needs ſay and think, that in ſuch a caſe as this, where ſo new a work, and ſo ſtrange a work as this is before you, it will not be thought ill of, if I doe, with a little earneſtneſſe, preſſe to you ſome explanations in ſome that may help to contemplate, and leave me—for it is onlie handled with me——this tranſaction is onely handled with me at this time by you and the Parliament, whom you repreſent——I ſay I would be glad that you might leave me, and all oppoſers, without excuſe, as well as that I could wiſh that you ſhould ſettle this nation, to the uttermoſt good of it, in all things I have to offer to you. They are not verie weightie, but they may tend to the completion of the buſineſſe, and therefore I ſhall take the freedome to read them to you.

In the fourth article and ſecond paragraph, you have ſomething under that head that reſpects the calling of members to Parliament; you would not exclude thoſe that under Duke *Hamilton* made that invaſion, becauſe it hath been ſaid to you perhaps, that if you exclude all, you ſhall have no members from *Scotland*. I hope there be perſons of that nation, that will be ready to give a better teſtimony of their country then to admit of that argument; and I hope it is none, but if it be one, then trulie to meet with the leaſt difficulty upon the certaintie of the qualifications, you ſhould indeed exclude men of your own country perhaps upon greater crimes, and hold them off upon ſtricter characters, it is thought, than that qualification, that ſaith, that the teſtimonie that they ſhall have, *that they are men that have given good teſtimony in their peaceable and quiet living*, why trulie for divers years, they have not been willing to doe other, they have not had an eaſie poſſibilitie to doe otherwiſe, to live unquietly, though perhaps they have been the ſame men manie of them. Though I know manie of them are good men, worthie men, and therefore whether it be not fit in that place to explain ſomewhat elſe, and put ſome other Character upon it, that may be accounted a good teſtimonie of being otherwiſe minded, and of their being of another judgement. I confeſs I have not anie thing here to ſupplie it with, but certainly if it ſhould be ſo, as it is in your article, though they be never ſo indiſpoſed and enemies, and remain ſo, yet if they have lived peaceably, where they could neither will nor chuſe, they are to be admitted. I onlie tell you ſo, being without anie amendment for it, and when I have done I ſhall offer the whole to you: This is the ſecond Paragraph.

In the third Paragraph of the ſame Article, whereas it is ſaid that the Perſons in *Ireland be made capable to elect or be elected, that before the firſt of March* 1649 *have borne Armes for the Parliament, or otherwiſe given teſtimony of their good affections, and continued faithfull to the Parliament, and are ſince revolted*, whether it be not neceſſarie that it be more clearly expreſt, it ſeeming to capacitate all thoſe who have revolted from the Parliament, if they have born armes for the State before the firſt of March 1649. it ſeems to reſtore them. But if ſince then they have revolted, as manie I doubt of our *Engliſh Iriſh* have done, why then the queſtion is, Whether theſe men, who have lately been angry, and fled to armes, whether you will think their having borne armes formerly on the Parliaments ſide, ſhould be an exemption to them; this is but tendered unto you that ſome worthy perſon will give an anſwer unto.

In the fifth Paragraph of the ſame Article you have incapacitated publick Preachers from ſitting in Parliamant, and trulie I think that your intention is, ſuch as have paſtorall function, ſuch as are actually and reall Miniſters, for I muſt ſay to you in the behalf of our Armie, in their next place to their

their fighting, they have been verie good Preachers, and I ſhould be ſorry they ſhould be excluded from ſerving the Commonwealth, becauſe they have been accuſtomed to preach to their Troops, Companies, and Regiments, which I think have been one of the beſt bleſſings upon them, to the carrying on of the great work. I think you do not mean ſo, but I tender it to you, that if you think fit there may be a conſideration had of it; there may be ſome of us, it may be, that have been a little guilty of that, that would be loath to be excluded from ſitting in Pariiament. In the ſame Paragraph there is care taken for the nominating Commiſſioners to try the Members which are choſen to ſit in Parliament, and trulie thoſe Commiſſioners are uncertain Perſons,and it is hard to ſay what may happen, I hope they will be alwaies good men, but if they ſhould be bad, then perhaps they will keep out good men : beſides we think, trulie if you will give us leave to help, as to the freedome of the Parliament, it will be ſomething that will goe rather harſhly down, then otherwiſe. Verie many reaſons might be given, but I doe but tender itto you,---I think if there be no Commiſſioners, it would be never a whit the worſe, but if you make qualifications, if anie man will preſume to ſit without thoſe qualifications you may deal with them ; A man without qualifications ſitting there, is as if he be not choſe, and if he ſit without being choſen, and ſo without a qualification, I am ſure the old cuſtom was to ſend him to the Tower, to impriſon ſuch a one, if anie one ſit there that have not right to ſit there. If anie ſtranger come in upon his pretended Title of election, then perhaps it was a different caſe, if anie ſit there upon pretence of a qualification upon him, you may ſend him to priſon without anie more adoe; whether you think fit to do ſo or no, it is Parliamentary buſineſs ; I doe but hint to you : I believe if anie man had ſat in former Parliaments, that had not taken the oathes preſcribed, it would have been a fault enough, &c. I believe ſomething of that kind would be equivalent to anie other way, if not better.

In that Article, which I think is the fifth Article, which concerns the nomination of the other Houſe, in the beginning of that Article, it is that the Houſe is to be nominated as you deſigne it, and the approbation is to be from this Houſe, I would ſay to be from the Parliament, it is ſo : but then now, if anie ſhall be ſubſequently named after this Houſe is ſat, upon anie accidentall removall or death, you doe not ſay, (though it ſeems to refer to the ſame that the firſt election doth, yet it doth not refer clearly to this) that the nomination ſhall be, where it was, in the chief Officer, and the approbation of the other Houſe, if I do not expreſſe it clearly, that you will pardon me, but I think that is the aim of it,---it is not clearly expreſt there, as I think.---You will be able to judge whether it be or no.

In the ſeventh Article, that which concerns the revenue, that is the revenue that you have appointed to the Government, you have diſtributed 300,000 *l.* of it to the maintenance of the civil authority 1,000,000 *l.* to be diſtributed to the maintenance of your Forces by Sea and Land ; you have indeed ſaid it in your inſtrument, and we cannot doubt of it, but yet you have not made it certain, nor yet thoſe temporary ſupplies which are intended for the peace and ſafety of the Nations. It is deſired that you will take it into your thoughts, and make both thoſe certain, both as to the ſumme and time that thoſe ſupplyes ſhall be continued. And truely I hope I do not curry favour with you, but it is deſired, and I may very reaſonably deſire it, that theſe monies, whatever they are, that they may not (if God ſhall bring me to any intereſt in this buſineſſe, which lyeth in his own power) that theſe Moneys may not be iſſued out by the authority of the chief Magiſtrate, but by the advice of his Councel, ſeeing you have in your inſtrument made a coordination in generall termes, that this might be a reſerved thing, that the Moneys might not be diſtributed. It will be a ſafety to whomſoever is your ſupreme Magiſtrate, as well as ſecurity to the publick, that the Moneys might be iſſued out by the advice of the Councel, and that the Treaſurers that receive this Money may be accountable every Parliament, within a certain time limited by your ſelves. Every new Parliament the Treaſurer may be accountable to the Parliament for the diſpoſing of the Treaſure.

And there is mention made of the Judges in the ninth Article : It is mentioned that the Officers of State, and the Judges are to be choſen by the approbation of the Parliament : If there be no Parliament ſitting, if there be never ſo great a loſs of Judges it cannot be ſupplied ; and whether you do not intend that it ſhould be by the choice of the ſupreme Magiſtrate,with the conſent of the Counſell in the intervals of Parliament, to be afterwards approved by Parliament.

The thirteenth Article relates to ſeverall qualifications that perſons muſt be qualified with, that are put into places of publick Office and Truſt, now if men ſhall ſtep into publick Places and Truſt that are not ſo qualified they may execute them. An Office of Truſt is a very large word, it goeth to almoſt a Conſtable,---if not altogether, it goeth far. Now if any ſhall come that are not ſo qualified, they certainly do commit a breach upon your rule, and whether you will not think in this caſe, that if any ſhall take upon him an office of Truſt, that a penalty ſhall be put upon him where he is excepted. By the generall rule, whether you will not think it fitting in that reſpect to deterre men from accepting of Offices and Places of Truſt contrary to that Article.

The next is fetcht in ſome reſpects, I may ſay, by head and ſhoulders into your inſtrument, yet in ſome

ſome reſpects it hath affinity with it, I may ſay I think it within your order upon this account, I am ſure of it, there is a mention in the laſt part of your inſtrument, of our purpoſe to do many good things, I am confident (not like the Gentleman that made his laſt will, and ſet down a great number of the names of men that ſhould receive benefit by him, and there was no ſum at the latter end) I am confident you are reſolved to deal effectually in the thing at the latter end, and I ſhould wrong my own confidence if I ſhould think otherwiſe: I hope you will think ſincerely as before God, that the laws may be regulated, I hope you will: We have been often talking of them, and I remembred well at the old Parliament, that we were three months and could not get over the word *Incumbrances*, and then we thought there was little hope of regulating of the law, when there was ſuch a difficulty as that, but ſurely the laws need be regulated, and I muſt needs ſay, I think it is a Sacrifice acceptable to God upon many accounts; and I am perſwaded, it is one thing that God looks for and would have. I confeſſe, if any man would ask me, Why, how would you have it done? I confeſſe I do not know how, but I think verily at the leaſt, the delayes in ſuites, and the exceſſiveneſſe in fees, and the coſtlineſſe of ſuites, and thoſe various things, that I do not know what names they bear; I hear talk of *Demurrers*, and ſuch like things, which I ſcarce know; but I ſay certainly, that the people are greatly ſuffering in this reſpect; they are ſo.

And truely, if all this whole buſineſſe of Settlement, whatſoever the iſſue of it ſhall be, comes, as I am perſwaded that it doth, as a thing that would pleaſe God by a Sacrifice, or rather as an expreſſion of our thankfulneſſe to God: I am perſwaded that this will be one thing that will be upon your hearts, to do ſomething that is honourable and effectuall in it; that truely, I ſay, that is not in your inſtrument, ſomething that relates to the reformation of manners. You will pardon me my fellow ſouldiers that were raiſed upon that juſt occaſion of the inſurrection, not only to ſecure the peace of the Nation, but to ſee that perſons that were leaſt likely to help on peace or continue it, but rather to break it, diſſolute and looſe perſons, that can go up and down from houſe to houſe, (and they are Gentlemens ſonnes that have nothing to live on, and cannot be ſupplied to live to the profit of the Commonwealth) had a good courſe taken with them: And I think that which was done to them was honourable, and honeſtly and profitably done; and for my own part, I muſt needs ſay, it ſhewed that the diſſoluteneſs which was then in the Nation, as indeed it does, ſprings moſt from that part of the Cavaliers.---- Should that party run on, and no care to be taken to reform the Nation, to prevent perhaps abuſes that will not fall under this conſideration. ----- We can ſend our children into *France*, before they know God or good Manners, and then return with all the licentiouſneſſe of that Nation; neither care taken to educate them before they go, nor to keep them in good order when they come home. Indeed this makes the Nation not only commit thoſe abominable things, moſt inhumane things amongſt us, but hardens men to juſtifie thoſe things: And the Apoſtle ſaith, *not only to do wickedly themſelves, but take pleaſure in them that do ſo.* And truely, if ſomething be not done in this kind, without ſparing the condition of men, without ſparing mens ſonnes, though they be noble mens ſonnes, let them be who they will, that are debauched, it is for the glory of God that nothing of outward conſideration ſhould ſave them in their debauchery from a juſt puniſhment and reformation; and truely, I muſt needs ſay it, I would much bleſſe God to ſee ſomething done, as to that, heartily, upon this account, not onely to thoſe perſons mentioned, but to all the Nation, that ſome courſe might be taken for reformation, that there might be ſome ſtop put to ſuch a currant of wickedneſſe and evil as that is; and truely, to doe it heartily, and nobly, and worthily, the Nobility of this Nation eſpecially, and the Gentry, will have cauſe to bleſſe you; and likewiſe that ſome care might be taken, that thoſe good lawes already made for the puniſhment of vice, may be effectually put in execution. This muſt I needs ſay of our Major Generals that doe you ſervice, I think it was an excellent good thing, I profeſſe I doe, and I hope you will not think it unworthy of you, that when you have ſeen that, though you have good Lawes againſt the common country diſorders, that are every where, who is there to execute them? really, a Juſtice of Peace, ſhall from the moſt be wondred at, as an Owle, if he goe but one ſtep out of the ordinary courſe of his fellow Juſtices, in the reformation of theſe things, and therefore I hope I may repreſent that to you, as a thing worthy of your conſideration, that ſomething may be found out to ſuppreſſe ſuch things. I am perſwaded you would glorifie God in it, as much as by any one thing you can doe, and ſo I think you will pardon me.

I cannot tell in this Article that I am now to ſpeak unto, whether I ſpeak to any thing or nothing: There is a deſire that the publick Revenue be not alienated, but by the conſent of the Parliament, I doubt publick Revenue is like *Cuſtodes Libertatis Angliæ*, that is a notion only, and not to be found as I know of; but if there be any, and God bleſſe us in our ſettlement, there will be publick Revenue accurring, and whether you will ſubject this to any alienation without the conſent of the Parliament, is that which is offered to you.

Truely this thing that I have further to offer to you, it is the laſt in this paper, and it is a thing that is mentioned in the ſixteenth Article, that you would have thoſe Acts and Ordinances that have been made ſince the late troubles and during the time of them, that if they be contrary to this advice, they ſhould remain in ſuch force, in ſuch manner, as if this advice had not been given: Why that

that

that is doubted, is whether or no this will be ſufficient to keep things in a ſettled condition, becauſe it is but an implication, it is not determined; but you doe paſſe by the thing without ſuch a foundation as will keep thoſe people which are now in poſſeſſion of Eſtates upon this account, that their Titles may be queſtioned and ſhaken, if that be not explained. And truely I believe you intend very fully in this buſineſs, if the words already do not ſuffice, that I ſubmit to your own adviſement, but there is in this a very great conſideration; there hath been ſince the Government ſeveral Acts, and Ordinances, that have been made by the exerciſe of that legiſlative power that was exerciſed ſince we undertook this Government, and I think your Inſtrument ſpeaks a little more faintly to theſe, and dubiouſly then to the other; and truely I will not make Apologie for any thing, but ſurely two Perſons, two ſorts of Men will be neerly concern'd upon this account; that is, they that are exerciſed, and the perſons who are the objects of that exerciſe; it diſſettles them wholly; if you be not clear in your expreſſions in this buſineſſe, it will diſſettle us very much to think that the Parliament doth not approve well of what hath been done upon a true ground of neceſſitie, as far as it has ſaved this Nation from running into all arbitrarineſſe, or ſubject it to any ſort of men that would perhaps do ſo. We think we have in that thing deſerved well of the State. If any man will aſk me, but ah Sir, what have you done ſince? why, as I will confeſſe my fault where I am guilty, ſo I think taking the things as they were, I think we did the Commonwealth ſervice, and we have in that made great ſettlements----that have we--we have ſettled almoſt all the whole affairs in *Ireland*, the rights and intereſts of the ſouldiers there, and of the planters and adventurers; and truely we have ſettled very much of the buſineſſe of the Miniſtry; and I could wiſh that that be not to ſecure the grave men ---Iwiſh it be not--- but I muſt needs ſay, if I have any thing to rejoyce before the Lord in this world, as having done any good, or ſervice, I can ſay it from my heart----and I know Iſay the truth----that it hath been---let any man ſay what he will to the contrary---he will give me leave to enjoy my own opinion in it, and conſcience, and heart, and dare bear my teſtimony to it, there hath not been ſuch a ſervice to *England* ſince the Chriſtian Religion was perfect in *England* ----I dare be bold to ſay it, however here and there there may have been paſſion and miſtakes, and the Miniſters themſelves, take the generality of them, they will tell ---it is beſides the inſtructions---and we did take it upon that account, and we did not do that which we did, *virtute inſtituti*, as a *Jure Divino*, but as a civil good, but ------- ſo we end in this thing, we know not better how to keep the Miniſtry good, and to augment it to goodneſſe, then to put ſuch men to be Triers; men of known integrity and piety, orthodox men, and faithfull, we know not how better to anſwer our duty to God and the Nation, and the people of God, in that reſpect in doing what we did; and I dare ſay if the grounds upon which we went, will not juſtify us, the iſſue and event of it doth abundantly juſtify us, God having had exceeding glory by it, in the generality of it, I am confident fourty fold. For as heretofore the men that have been admitted into the Miniſtry in times of Epiſcopacy, ---- alas what pitifull certificates ſerved to make a man a Miniſter!---if any man could underſtand Latin and Greek it was as if he ſpake Welſh, he was ſure to be admitted, which I think in thoſe dayes went for Hebrew with a great many; but certainly the pooreſt thing in the world would ſerve turn, and a man was admitted upon ſuch an account, ay, and upon a leſſe, I am ſure the admiſſion that has been to thoſe places ſince, has been under this Character, as the rule that they muſt not admit a man, unleſſe he be able to diſcern ſome of the grace of God in him, which was ſo put to, as that it was not fooliſhly or ſenſeleſly, but ſo far as men could judge according to the rules of Charity; but ſuch a man whoſe good life and converſation they could have a very good teſtimony of four or five of the neighbour Miniſters who knew him; nor could they admit him unleſſe he could give a very good teſtimony of the grace of God in him; and to this I ſay---I muſt ſpeak my Conſcience in it ----- tho' a great many are angry at it, all are not angry at it. and how ſhall you pleaſe every body? Then ſay ſome, none muſt be admitted except perhaps he will be baptized, this is their Opinion, they will not admit a man into a Congregation except he be ſo, much leſſe to be a Miniſter; the Presbyterian he will not admit him except he will be ordained, generally they will not go to the *Independants*: truly I think if I may not be partial, I think if there be a freedome of judgement, it is there.

Here is three ſorts of Godly Men that you are to take care for, and that you have provided for in your ſettlement; and how could you now put it to the *Presbyterians*, but you muſt have done it with a poſſibility of excluſion of all thoſe *Anabaptiſts* and of the *Independants?* and now you have put it into the way, that if a man be of any of theſe judgments, if he have the root of the matter in him, he may be admitted; this hath been our care and work, by ſome Ordinances of ours, both laying the foundations of it, and many hundreds of Miniſters being in upon it: and if this be a time of ſettlement, then I hope it is not a time of ſhaking, and therefore I hope you will be pleaſed to ſettle this buſineſſe, that you will neither ſhake the perſons that have been poorly inſtrumentall to call you to this opportunity of ſettling this Nation, and doing good to it; nor ſhake thoſe honeſt mens intereſts that have been thus ſettled, conſidering ſo much good hath been wrought by them; and ſo I have done with the offers to you.

But here is ſomewhat that is indeed exceedingly paſt my underſtanding, for I have as little ſkill in Arithmetick as I have in the Law; there is great Summs, it is well if I can count them to you. The

preſent charge of the forces both by ſea and land, including the Government, will be 2416989 *l.* the whole preſent Revenue in *England*, *Scotland*, and *Ireland*, is about 1900000 *l.* I think this was reckoned at the moſt, as now the Revenue ſtands: Why now towards this, you ſettle by your inſtrument 1300000 *l.* for the Government, and upon that accompt to maintain the force by ſea and land, and this without land Tax I think, and this is ſhort of the Revenue that now may be raiſed by the Government, 600000 *l.* becauſe you ſee the preſent Government is 1900000 *l.* and the whole ſumme which may now be raiſed, comes ſhort of the preſent charge 516989 *l.* and although an end ſhould be put to the *Spaniſh* War, yet there will be a neceſſity of the preſervation of the Peace of the three Nations, to keep up the preſent eſtabliſhed Army in *England*, *Scotland* and *Ireland*, and alſo a conſiderable Fleet for ſome good time, untill it ſhall pleaſe God to quiet and compoſe mens minds, and bring the Nation to ſome better conſiſtency, ſo that conſidering the pay of the Army, coming to upwards of 1100000 *l.* *per annum*, and the Government 300000 *l.* it will be neceſſary that for ſome convenient time, ſeeing you find things as you do, and it is not good to think a wound healed before it be; that there ſhould be raiſed over and above 1300000 *l.* the ſumme of 600000 *l.* *per annum*, which makes up the ſumme of 1900000 *l.* that likewiſe the Parliament declare how far they will carry on the *Spaniſh* War, and for what time, and what farther ſumme they will raiſe for the carrying on the ſame, and for what time; and if theſe things be not aſcertained, as one ſaith, *Money is the cauſe*, certainly, whatever the cauſe is, if Money be wanting, the buſineſſe will fall to the ground, and all our labour will be loſt; and therefore I hope you will have a care of our undertakings.

And having received expreſſions from you, that we may believe we need not offer theſe things to you, that theſe things will be cared for, and theſe things have all of them been made overture of to you, and are before you, and ſo have likewiſe the conſideration of the Debts, which truly I think are apparent, and ſo I have done that I have to offer you---I think I have truly for my part----and when I ſhall underſtand where it concerns me to do further---and when I ſhall underſtand your pleaſure in theſe things a little further---we have anſwered the order of Parliament, in conſidering and debating of theſe things, that were the ſubject matter of debate and conſideration ---- and when you will be pleaſed to let me hear further of your thoughts in theſe things, then I ſuppoſe I ſhall be in a condition to diſcharge my ſelf, as God ſhall put in my mind; and I ſpeak not this to evade, but I ſpeak in the fear and reverence of God, and I ſhall plainly and clearly, I ſay, when you ſhall have been pleaſed among your ſelves to take conſideration of theſe things, that I may hear what your thoughts are of theſe things, I do not ſay that as a condition to any thing, but I ſhall be very free, and honeſt, and plain, to diſcharge my ſelf of what in the whole, upon the whole, may reaſonably be expected from me, and God ſhall ſet me free to anſwer you in.

His Highneſs Speech to the Parliament in the Banqueting-Houſe at Whitehall *on the* 8*th of* May 1657.

Mr. Speaker,

I Came hither to anſwer that that was in your laſt Paper to your Committee you ſent to me, which was in relation to the deſires which were offered to me by the Houſe, in that they called their Petition. I confeſs that buſineſs hath put the Houſe, the Parliament, to a great deal of trouble, and ſpent much time, I am very ſorry that it hath coſt me ſome, and ſome thoughts; and becauſe I have been the unhappy occaſion of the expence of ſo much time, I ſhall ſpend little of it now, I have the beſt I can reſolved the whole buſineſs in my thoughts, and I have ſaid ſo much already in teſtimony of the whole, that I think I ſhall not need to repeat any thing that I have ſaid. I think this is a Government that the aims of it ſeek much a ſettling the Nation on a good foot in relation to civil rights and liberties, which are the rights of the Nation, and I hope I ſhall never be found to be of them that ſhall go about to rob the Nation of thoſe rights, but to ſerve them what I can to the attaining of them. It hath alſo exceeding well provided for the ſafety and ſecurity of honeſt men, in that great, natural and religious liberty, which is liberty of conſcience, theſe are great fundamentals, and I muſt bear my teſtimony to them (as I have and ſhall do ſtill ſo long as God lets me live in this world) that the intentions of theſe things are very honourable and honeſt, and the product worthy of a Parliament; I have only had the unhappineſs both in my conferences with your Committees, and in the beſt thoughts I could take to myſelf not to be convicted of the neceſſity of that thing that hath been ſo often inſiſted on by you, to wit, the Title of KING, as in itſelf ſo neceſſary, as it ſeems to be apprehended by your ſelves; and I do with all honour and reſpect to the judgment of the Parliament, teſtifie that (*cæteris paribus*) no private judgement is to lie in the ballance with the judgement of a Parliament; but in things that reſpect particular Perſons, every man that is to give an account to God of his actions, he muſt in ſome meaſure be able to prove his own work, is to have an approbation in his own conſcience of that he is to do, or forbear; and whilſt you are granting others liberties, ſurely you will not deny me this, it being not only a liberty, but a duty (and ſuch a duty as I cannot without ſinning forbear) to examine my own heart, and thoughts, and judgement,

ment, in every work which I am to ſet mine hand to, or to appear in, or for.

I muſt confeſs therefore, that though I do acknowledge all the other, yet I muſt be a little confident in this, that what with the circumſtances that accompany humane actions, whether they be circumſtances of time, or perſons, whether circumſtances that relate to the whole, or private or particular circumſtances, that compaſs any perſon that is to render an account of his own actions; I have truly thought, and do ſtill think, that if I ſhould (at the beſt) do any thing on this account to anſwer your expectation, it would be at the beſt doubtingly: and certainly what is ſo is not of faith, whatſoever is not of faith is ſin to him that doth it, whether it be with relation to the ſubſtance of the action about which the conſideration is converſant, or whether to circumſtances about it, which make all indifferent actions good or evil to him that doth it. I lying under this conſideration think it my duty (only I could wiſh I had done it ſooner, for the ſake of the Houſe, who have laid ſo infinite obligations on me) I wiſh I had done it ſooner for your ſake, for ſaving time and trouble; and indeed for the Committees ſake, to whom I muſt acknowledge publickly I have been unſeaſonably troubleſome, I ſay, I could have wiſhed I had given it ſooner: but truly this is my anſwer, that although I think the Government doth conſiſt of very excellent parts in all, but in that one thing the *Title*, as to me, I ſhould not be an honeſt man, if I ſhould not tell you that I cannot accept of the Government, nor undertake the trouble or charge of it, which I have a little more experimented than every man; what troubles and difficulties do befal men under ſuch truſts and in ſuch undertakings; I ſay, I am perſwaded to return this anſwer to you, *That I cannot undertake this Government with the Title of a* King, *and that is mine anſwer to this great and weighty buſineſſe.*

F I N I S.